

CAPITAL PUNISHMENT IN ARIZONA

(1863-1963)

by

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ABSTRACT

From 1863 to 1963, at least 159 men and one woman were legally and illegally executed in Arizona. Of those executed, 79 were Anglo (49.4%), 45 were Hispanic (28.2%), 16 were Black (10%), 13 were American Indian (8%) and 7 were Chinese (4.4%). It is unclear at this point whether non-Anglo groups were unfairly singled out for capital punishment. The territorial government hanged 44; the state killed 58; federal authorities executed 9. There were 49 illegal executions over Arizona's century of active capital punishment.

During the territorial period, hanging was the legal method of execution. The state continued that method until 1933, when it shifted to poison gas. The federal government used hanging for all of its executions. Of the 49 illegal executions, 40 were by hanging, 8 by gunfire and 1 by beating. Illegal executioners seemed to prefer hanging, possibly because it gave some legitimacy to the proceedings.

Apparently, there were different justifications for legal and illegal executions. Most people supported legal executions on the basis of specific deterrence, general deterrence, vengeance and atonement. Many

Arizonans justified illegal executions for all these reasons and because of perceived flaws in the judicial system, the ease of escape from jail, the supposed leniency of judges and juries, the lack of adequate law enforcement, a preference for frontier self-reliance, abuse of the gubernatorial pardon powers, the pervasive climate of violence, the nature of vigilantism and the official and non-official tolerance of illegal executions.

In 1916, following years of persistent efforts, Arizona governor and progressive politician George W. P. Hunt persuaded the Arizona electorate to abolish capital punishment on ethical, religious and utilitarian grounds. Convinced that the absence of the death penalty had failed to deter crime, Arizona voters reinstated capital punishment in 1918.

The last Arizona execution occurred in 1963. After the United States Supreme Court effectively invalidated Arizona's death penalty in 1972, the Arizona Legislature instituted a constitutionally acceptable statute. There are now at least 82 men on Arizona's death row. It is uncertain how full resumption of executions will affect the public's acceptance of capital punishment.

TABLE OF CONTENTS

	Page
LIST OF TABLES	vii
CHAPTER I. The Basics of Arizona's	
Executions	1
Introduction	1
Arizona Executions (1863-1963)	4
Methods of Execution	13
Hanging	13
Poison Gas	24
CHAPTER II. Justifying Capital Punishment . .	27
Legal Executions	27
Illegal Executions	32
CHAPTER III. The First Effort at Abolition	
(1910-1914)	45
CHAPTER IV. The Second Effort at Abolition	
(1914-1916)	66
CHAPTER V. Reinstatement of the Death Penalty	
(1916-1918)	93
CHAPTER VI. Epilogue and Conclusion	111
Notes	117
Bibliography	166

CHAPTER I.

The Basics of Arizona's Executions

Introduction

The story of executions in the Arizona Territory begins with the hapless Jack Ewing.¹ Early in the morning of 25 March 1866, Ewing and his accomplice, Joe Bowers, brutally murdered assistant wagon master W. H. Wilson in a corral at Arizona City. When the body was discovered, suspicion quickly focused on Ewing and Bowers. They were arrested and confined at Fort Yuma's guard house.

On 27 March 1866, the local justice of the peace conducted a court of inquiry. Ewing pled guilty and implicated Bowers. For his part, Bowers pled not guilty, but physical evidence proved that he was at least an accessory. The justice of the peace concluded that both men were involved and bound them over for trial at La Paz. Concerned that the men would surely escape before court could be convened at La Paz, the citizens of Arizona City decided to deal with the problem themselves. They seized Ewing and hanged him "to the most appropriate mesquit [sic] tree in the puebla [sic]."² They turned Bowers over to the commandant at Fort Yuma, for transportation to Los Angeles for trial on this crime and other offenses.

Seven years later, after several illegal executions, Arizona City was the scene of yet another "first." On 2 May 1873, the Yuma County Sheriff hanged Manuel Fernandez for the murder of Mike McCartney.³ To prevent any interference with the first legal execution in Arizona, the sheriff called out 70 citizens to surround and guard the gallows. The proceeding went off without a hitch.⁴

The Ewing and Fernandez executions were the precursors of scores of similar events in Arizona. In fact, from 1863 to 1963, at least 160 people were legally and illegally executed in Arizona. There have been no executions in this state for over 25 years, although there are now at least 78 men waiting to die on Arizona's death row. Appeals in the state and federal courts will undoubtedly prevent any new executions for several years. This lengthy hiatus in executions allows some perspective on Arizona's century of capital punishment.

This study explores several of the major aspects and themes of Arizona's long history of executions. The first task, of course, is to discover the basic historical details of who was executed, when, where, by whom, for what offense and how. The work also examines the formalities and ceremonies connected with both lawful and unlawful executions. These facts provoke an inquiry into the reasons why the government and people of Arizona

would use death as a punishment and what offenses were considered capital crimes. A detour in the story of Arizona's death penalty is the remarkable electoral abolition and reinstatement of capital punishment which occurred from 1916 to 1918. Finally, an epilogue discusses the status of Arizona's death sanction from the last execution in 1963 to the present day.⁵

A word of caution is essential. Uncovering information on Arizona's executions is a difficult task. Records on legal hangings in the territorial period are scattered and fragmentary. The difficulties are even greater for illegal executions, which were haphazardly reported. Whenever possible, contemporary sources are used to confirm both legal and illegal executions. This forces heavy reliance on territorial newspapers, not always the most accurate informants.⁶ Although a concerted effort was made to find and list every execution in Arizona's history, the final tabulation can only be described as a good-faith approximation. It is a fair guess that some lynchings were never reported or recorded. Some of the earlier legal executions may have been missed. Therefore, while the conclusions of this study are necessarily somewhat tentative, they at least provide a framework for further investigation.

Arizona Executions (1863-1963)

Before delving into the details of Arizona's executions, it is important to understand what is meant by the term "execution." As used in this study, an "execution" is the infliction of death by society as an individualized punishment for a particular crime or series of crimes. The execution may be legal, carried out after trial and sentence by the lawfully constituted authorities. On the other hand, the execution might be illegal, conducted by mob, posse, vigilantes or members of a "law and order" committee. As long as the killing is the culmination of community outrage for specific wrongdoing, it is an execution within the scope of this paper.

The focus is on those killings sanctioned and actually carried out by society, or at least by a large segment of the local population. Not included are those people who were sentenced to die, but who avoided imposition of the penalty through pardon, commutation, judicial appeal, escape, suicide or death by natural causes. This definition of "execution" does not encompass isolated, private acts of vengeance. Similarly, this approach excludes the reprisal murders integral to the Indian conflicts of the territorial era. The goal is a study of Arizona's evolving response to

crimes so serious that death was a suitable punishment. This definition allows a focused examination of the history of capital punishment in Arizona.

The basic categorization of capital offenses changed relatively little over the years. Under the 1864 Howell Code, only murder and treason were capital crimes.⁷ In 1873, the legislature refined the scope of the murder offense, reserving the death penalty solely for first-degree murder, which was basically defined as an intentional premeditated killing.⁸ In 1889, the legislature made train robbery or wrecking a capital crime.⁹ Finally, in 1913 the legislature specified the death penalty for any person serving a life sentence who committed an assault with a deadly weapon.¹⁰ In actuality, no person was ever legally executed in Arizona during this period for any crime other than first-degree murder.¹¹ In a similar manner, of the 49 illegal executions, 42 were for first-degree murder and 2 were for attempted first-degree murder. Only 4 were for rustling and 1 was for theft of a fairly minor sum of money.¹² The 153 legal and illegal executions for first-degree murder demonstrate that the intentional taking of a human life was the most important capital offense in Arizona's history.

Arizona attained separate territorial status in 1863.¹³ From that time until statehood, the territorial

government executed 44 men, federal officials hanged 5 and vigilantes killed 48. After 1912, the state authorities executed 58 people and the federal government hanged 4.¹⁴ The only person illegally executed during statehood was Starr Daley, lynched near Phoenix in 1917.¹⁵ The last execution in Arizona took place in 1963.¹⁶

Of the 160 who were executed in Arizona, only one was a woman. Eva Dugan was legally executed by hanging at Florence State Prison on 21 February 1930 for the murder of a Tucson rancher in 1927.¹⁷

Two factors may explain the paucity of female executions. First, there appears to have been a consensus among territorial, state and federal officials that it was just not right to execute a woman. For instance, on 4 October 1868, Delores Moore murdered her husband, Mahlon E. Moore, at Tucson. Her crime was so unprecedented that it caused "considerable excitement" in a city where murder by men was a fairly common event.¹⁸ She was tried, convicted and sentenced to hang in Tucson on the last Friday in February 1869.¹⁹ The evidence of her guilt was overwhelming. However, Acting Governor James Carter commuted her sentence to life imprisonment "upon the advice and recommendation of the U.S. Judges in the Territory."²⁰

More significantly, however, it seems that women seldom committed capital, or even violent, offenses. When they did, the event was so rare that newspapers were filled with the story. That was one reason for the notoriety of the otherwise insignificant highway robber Pearl Hart.²¹ Similarly, the fact that Winnie Ruth Judd was female fueled the sensationalism surrounding the murders she committed.²² In fact, if Eva Dugan had not been such a cantankerous, unrepentant and disagreeable person, she might have avoided the distinction of being the only woman executed in Arizona's history.²³

Members of at least five different ethnic groups have been executed in Arizona.²⁴ Of those executed, 79 were Anglo (49.4%), 45 were Hispanic (28.2%), 16 were Black (10%), 13 were American Indian (8%) and 7 were Chinese (4.4%). Anglos have not always been in the forefront of those executed. From 1863 to 1873, 83% of those executed were Hispanic and only 17% were Anglo. Likewise, from 1894 to 1913, slightly over half of those executed were Hispanic. However, over the course of the century of active capital punishment, Anglos generally predominated.

It is hard to tell whether non-Anglo ethnic groups have been disproportionately singled out for executions. The dynamics and processes of capital punishment in Arizona certainly allowed the potential for that type of

abuse. The judicial machinery was almost exclusively under Anglo control from 1863 to 1963.²⁵ The same holds true for illegal executions. Of the forty-nine illegal executions, there were only two instances where non-Anglo mobs were in control of the proceedings. The first occurred on 24 June 1873, when a mob of Pima Indians bludgeoned to death a man who had murdered their chief's son.²⁶ The second came on 13 August 1890, when the Paiute tribe executed one of their members for killing a mail carrier.²⁷ Despite definite Anglo dominance of all executions, almost half of those who died were, in fact, Anglo.

Although imprecise, the Arizona census results imply some correlations between the ethnicity of those executed and the ethnic composition of the entire Arizona population.²⁸ Since census takers could most reliably identify those groups, the information appears most trustworthy for Blacks, Chinese and American Indians. A comparison of percentages is very suggestive. Blacks, for instance, have never exceeded 3.4% of Arizona's population, yet from 1944 to 1953, 40% of those executed were Black. Over the entire century of executions, 10% of those executed were Black, roughly three times higher than the percentage of Blacks in the population.

The same general result holds true for Chinese. The highest percentage reached by the Chinese population was in 1880, when the census reported a 2.4% figure. However, from 1924 to 1933, 33% of those executed were Chinese. The overall percentage of Chinese executed was 4.4%, about two times the Chinese share of the population.

The situation is different with American Indians. The 1870 census indicates that about 77% of the territory's population was American Indian. The percentage declined over the decades, reaching 6.4% in 1960. The total percentage of American Indian executions was 8% from 1863 to 1963, but Indians do not seem to have been disproportionately singled out for "executions" as defined in this study. Of course, hundreds, if not thousands, of Arizona Indians perished in the 19th Century's destructive Indian Wars. Any correlation in this area is definitely skewed by the savage warfare between Anglo and Indian.

Unfortunately, there seems to be no reliable way to correlate the Anglo and Hispanic population with the percentages of people from those groups who were executed. From 1860 to 1910, and from 1940 to 1970, the census combined Anglos and Hispanics in the "white" category, and did not provide any further relevant breakdown. For the 1920 and 1930 censuses, the census

takers did attempt to identify "Mexicans," that is, those who appeared Hispanic to the census takers. For both censuses using this inherently suspect method, the results were 61% (Anglo) and 26% ("Mexican"). In 1980, the census reported that 16.2% of Arizona's population was of "Spanish origin," which is basically the same group defined as "Hispanic" in this study. However, the 1980 census specifically noted that "Spanish origin" people could belong to any "race." Therefore, the 1980 census report that 82.4% of Arizona's people were "white" does not describe how many Arizonans were Anglo and how many were Hispanic.

The relevant census reports indicate a marked decline in the percentage of Hispanics in Arizona's population. Partial statistics from Tucson confirm this trend, although Tucson's colonial heritage and location near the Mexican border gave it a Hispanic population larger than the Arizona average.²⁹ With this caution, the figures for Tucson are as follows:

Table 1.--Percentage of Hispanics in Tucson's Population

Year	Number of Hispanics	Percentage of Hispanics in Total Population
1860	653	70.6%
1880	4,469	63.8%
1900	4,122	54.7%
1920	7,489	36.8%
1940	11,000	29.9%

The pro rata decline of the Hispanic population over the decades does not conform well with the percentage of those executed. While the course is generally down, there are some inexplicable peaks and valleys. Reviewing the percentage figures for executions decade by decade, the results fluctuate from 83% (1863-1873) to 10% (1874-1883) to 12% (1884-1893) to 50% (1894-1903) to 55% (1904-1913) to 64% (1914-1923) to 8% (1924-1933) to 24% (1934-1943) to 20% (1944-1953), and to 10% (1954-1963).³⁰ Of course, there is a certain artificiality in measuring any historical process by decades, but the bulge from about 1884 to 1923 suggests that Hispanics might have been disproportionately singled out over that period to suffer the death penalty. Perhaps the wisest conclusion is to make none and reserve this problem for future study and research.

The same conclusion may apply to Anglos. The Anglo population in the earliest years of the Arizona Territory must have been very low in proportion to the indigenous populations. As the decades passed, Anglos clearly became the predominant population group. If the 1920 and 1930 census results are correct, at least 61% of Arizona's people were Anglo at that point.³¹ However, from 1914 to 1933, only about one-third of those executed were Anglo.³² At least for that era, it seems that Anglos were not suffering the death penalty in proportion

to their percentage of the population. However, that does not appear to be true of the period from 1874 to 1893, when about 63% of those executed were Anglo,³³ and the census indicates that a majority of Arizonans were probably Anglo and Hispanic.³⁴ There simply may never be a definitive answer to the problem.

There are several reasons for at least attempting to discover whether any particular ethnic group has been disproportionately singled out for capital punishment. First, the analysis may reveal or confirm which group had control of the mechanisms of capital punishment. Second, the inquiry may reveal an ordering of the relative values of individuals in society. Uneven imposition of the death penalty could signal class or cultural antagonisms carried to the logical extreme. Finally, revelation of an unusually disproportionate impact on a specific group might call into question the legitimacy and constitutionality of Arizona's death penalty laws under concepts of equal protection or the prevention of cruel and unusual punishment.³⁵ Unfortunately, as suggested earlier, at this stage these questions must remain largely unanswered.

Although the evidence is fragmentary and anecdotal, there does at least seem to be a common "profile" to those executed in Arizona. The "average" person executed was an Anglo male, age 20 to 45, with few ties to the

local community. He drifted into Arizona and subsisted at the lower end of the economic scale. He murdered a member of his own family, a traveller or a person he hoped to rob. The perpetrator of the offense was rapidly apprehended and executed about one year after the crime.³⁶ While the type of person executed remained much the same over the years, the accepted methods of execution changed.

Methods of Execution

Hanging. Hanging was the legal method of execution for six decades. The Howell Code of 1864, the first compilation of Arizona territorial laws, specified that the "punishment of death shall be inflicted by hanging the defendant by the neck until he be dead."³⁷ There is no legislative history explaining why the territorial legislature chose hanging over other methods such as firing squad. The legislators may have simply adopted the technique used by the federal government and by most states and territories. On the other hand, they may have chosen hanging because it had been regarded since biblical times as the most degrading punishment for a criminal.³⁸

The county sheriffs were given the actual responsibility for conducting executions.³⁹ Unfortunately, the territorial legislature was slow in telling the local sheriffs just how they were to carry

out this unpleasant duty.⁴⁰ Most legal executions in the early territorial period were conducted with appropriate professionalism and dignity. However, on several occasions, executions became public spectacles attended by hundreds of jostling, morbidly curious spectators. A prime example of this circus atmosphere was the simultaneous hanging of the five surviving Bisbee Raid gang members before a large crowd at Tombstone in 1884.⁴¹

The most egregious public execution was also the last. On 20 December 1885, Dennis W. Dilda killed popular Yavapai County Deputy Sheriff Johnny Murphy.⁴² Dilda was quickly captured, tried and sentenced to die on 10 February 1886.

On execution day, people converged on Prescott. The sheriff seated Dilda on top of his coffin in a wagon and drove him to the gallows. Hundreds lined the route, falling in behind the wagon as it passed. Many cheered and wished Dilda well on his last voyage. The crowd watched in tense anticipation as the sheriff and his assistants bound Dilda, fitted the noose and adjusted the hood. The men, women and children shuddered when the trap was sprung and Dilda fell to his death. All agreed that the job was very professional and that Dilda had a fine "send off."

However, the Dilda spectacle was the final straw for the legislature. In 1887 the lawmakers finally issued some guidelines on the location of executions and who could attend. From that time on, executions would be "private" proceedings:

A judgment of death must be executed within the walls or yard of a jail, or some convenient private place in the county. The sheriff of the county must be present at the execution, and must invite the presence of a physician, the district attorney of the county, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.⁴³

These rules were followed for over two decades.⁴⁴ The legislature clearly enacted this law to ensure the dignified and orderly conduct of executions within the territory. However, human inventiveness can always circumvent legislative intent. The turn-of-the-century Smiley Affair proved this truism once again.⁴⁵

George Smiley was a laborer on a Santa Fe section crew. At Winslow on 28 March 1899, Smiley shot his foreman, John McSweeney, in the back over a wage

dispute.⁴⁶ Friends rushed McSweeney to the Albuquerque hospital, but he died at 3:40 a.m. on 29 March 1899. McSweeney was survived by a blind, destitute widow and three small children. Navajo County Sheriff Frank Wattron arrested Smiley and took him for trial to the county seat at Holbrook.⁴⁷ Smiley waived a jury trial and pled guilty to first degree murder.⁴⁸ Unable to find any extenuating circumstances in the unprovoked attack, on 13 October 1899 Judge Richard Elihu Sloan sentenced Smiley to die by hanging at Holbrook on 8 December 1899.⁴⁹

The upcoming hanging caused quite a stir because it was the first legal execution in Navajo County. Sheriff Wattron had to make the necessary arrangements,⁵⁰ including sending out the official invitations to the dozen or so people who were supposed to attend the event. A number of the sheriff's friends pestered him about the style of the invitations, so Wattron decided to take some creative revenge. He therefore wrote a unique invitation "intended for a few intimates and brother officers."⁵¹ The text was not quite the norm:

You are hereby cordially invited to attend the hanging of one George Smiley, murderer. His soul will be swung into eternity on December 8, 1899, at 2 o'clock p.m., sharp. Latest improved methods in the art of scientific strangulation will be employed and everything possible will

be done to make the surroundings cheerful⁵² and the execution a success.

Initially, the sheriff's humorous invitation only evoked mild chuckles from the territorial press⁵³ The Tombstone Prospector approved the invitation as "characteristic of frontier life."⁵⁴ Unfortunately for Wattron, he had sent the invitation to the Albuquerque Daily Citizen for printing. The New Mexico paper, apparently recognizing a good story,⁵⁵ gave a copy of the invitation to the Associated Press. When the Eastern press picked up the story, Territorial Governor Nathan O. Murphy became incensed at the sheriff's levity.⁵⁶ Murphy felt that the invitation was "unseemly and flippant" and had "brought reproach upon the good name of this territory" just when Arizona was making another concerted effort to attain statehood.⁵⁷ As a rebuke to Sheriff Wattron, Governor Murphy granted a thirty-day reprieve to Smiley.⁵⁸

The Phoenix newspapers took up Governor Murphy's indignation and printed blistering editorials attacking Wattron.⁵⁹ The Phoenix Arizona Gazette wrote the strongest denunciation:

The letter is one of the most ridiculous that ever emanated from any civilized country in the world and a disgrace not only to the county of Navajo but to the territory of Arizona and should forever put the idiot who wrote it out of politics in Arizona.⁶⁰

In spite of this indictment from the state capitol, or perhaps because of it, the citizens of Navajo County rallied to the support of their sheriff.⁶¹

In conformity with the governor's direction, Sheriff Wattron rescheduled the hanging for 8 January 1900.⁶² The sheriff also sent out a revised invitation, which was suitably dignified, but managed to incorporate some of the terms Murphy had used in his rebuke of the sheriff:

With feelings of profound sorrow and regret I hereby invite you to attend and witness the private, decent and humane execution of a human being; name, George Smiley; crime, murder.

The said George Smiley will be executed on January 8, 1900, at 2 o'clock p.m. You are expected to deport yourself in a respectable manner and any 'flippant'; or 'unseemly' language or conduct on your part will not be allowed. Conduct on anyone's part bordering on 'ribaldry' and 'tending to mar the solemnity of the occasion,' will not be tolerated.⁶³

The execution itself went off as planned on 8 January 1900.⁶⁴ Smiley had converted to Catholicism while in jail, and he calmly mounted the gallows steps and faced his executioner.⁶⁵ The invitation controversy had apparently not troubled Smiley.⁶⁶ When asked if he

had any last words, he replied: "I have nothing to say except that I thank the sheriff of Navajo County and his deputies for courtesies, and I die a Christian."⁶⁷

In 1909, the legislature ordered that all executions would be carried out under the direction of the superintendent of the territorial prison.⁶⁸ From 1910 until 1931, all legal territorial and state hangings were performed in Arizona's prison complex at Florence.⁶⁹ For federal executions, the federal authorities either borrowed the county sheriff's gallows⁷⁰ or built their own facilities on federal land.⁷¹ The last federal execution in Arizona was conducted by hanging in 1936.⁷²

Despite the lack of detailed statutory guidance on the conduct of executions, Arizona's legal hangings followed a remarkably uniform pattern. From 1863 to 1909, the county sheriffs managed the executions. They would erect a temporary frame gallows in the county jailyard or court plaza. The gallows platform was normally about twelve feet high with a trap door in the middle of the hanging platform. Traditionally, the platform was reached by a flight of thirteen steps. A sturdy crossbar, to which the hanging rope was secured, was erected over the platform. Following the execution, the gallows was normally dismantled and stored for reassembly at the next execution.

Most executions were scheduled for early morning. The sheriff would ensure that the prisoner had a hearty meal of his choice the evening before the hanging. The prisoner could receive visits by clergy, friends, family and the ever-curious newspaper reporter. The sheriff would wake the prisoner early the next day and ensure he was dressed in his most presentable clothes. It was not uncommon for concerned citizens to donate a new suit to the prisoner for his execution. The sheriff then escorted the defendant to the scaffold. Some sheriffs would give the prisoner a little alcohol to bolster his spirits. Most prisoners were able to walk up the stairs to the gallows platform, although a few defendants had to be dragged up.

The platform was a crowded place. Besides the prisoner, the sheriff was there with several deputies to assist in the procedure and subdue the prisoner should he resist the inevitable. A clergyman, a physician and the executioner were also present.

The sheriff would give the prisoner a few moments to speak with the clergyman before the execution ceremony began. The prisoner would usually thank the sheriff and his aides for their kindness to him during his incarceration. The sheriff would then read the official death warrant and ask the prisoner if he had any last words. Most prisoners made short remarks expressing

either sorrowful repentance or defiance of the law. The most expressive speech was apparently given by the famed bandit Augustin Chacon, who gave a half-hour oration urging onlookers to lead a lawful life and profit by his mistakes.⁷³

Following the prisoner's last words, the sheriff would supervise as the executioner strapped the prisoner's arms and legs to prevent flailing during the fall. The executioner would then place a strong hemp rope around the prisoner's neck and adjust the noose. A hood was usually offered and normally accepted, both to lessen the prisoner's fear and to spare spectators the sight of his death-distorted features.

The executioner would make sure that the prisoner was standing or propped directly over the trap. When all was ready, the hangman would release the trap and the prisoner would drop about six feet to the end of the rope. The attending physician would then make periodic checks of the prisoner's pulse to determine when he expired. Although the prisoner normally dangled unconscious and motionless at the end of the rope, the heart could continue to beat for a quarter of an hour. Following medical confirmation of death, the corpse was immediately taken down and turned over to friends and family for their disposition. If no one claimed the body, the government would arrange for burial.

These basic procedures were used by the federal government for its executions and by the Arizona prison superintendent for those hangings conducted at Florence after 1909. The only significant change was the construction of a permanent two-story indoor gallows at Florence. The facility was first used in 1910. The prisoner was escorted to the second floor and dropped at the end of the hangman's rope into the vacant first-floor area.⁷⁴

Legal hanging was always an inexact science.⁷⁵ The goal was to break the prisoner's neck at the end of the fall. That would instantly kill the prisoner, although some reflex spasms and the heartbeat might continue for several minutes. The exact distance of the fall had to be precisely calculated based on the prisoner's age, physical condition, height and weight. If the drop were too short, the prisoner would slowly strangle to death. This rare accident occurred in 1936, when the federal government hanged Earl Gardner at the San Carlos Reservation. Gardner choked and struggled for over half an hour before he finally died.⁷⁶ On the other hand, if the fall were too long, the force of acceleration could rip off the defendant's head. This apparently only happened once in Arizona's history, when Eva Dugan was decapitated during her execution at Florence in 1930.⁷⁷

Hanging was used for 40 of the 49 illegal executions covered in this study. Eight were accomplished by gunfire⁷⁸ and one by beating.⁷⁹ The preference for hanging is curious. After all, gunfire is quicker and more convenient. There appears to be one major reason for choosing hanging instead of firearms. The use of the "legal" method of hanging gave some tangible legitimacy to otherwise illegal proceedings.

The symbolic significance of the hanging rope is highlighted by the illegal execution of the Hawkes brothers at Flagstaff in January of 1887.⁸⁰ George and William Hawkes were implicated in the murder of John Berry. They were arrested and placed in the Flagstaff jail. A mob burst into the jail intending to hang the prisoners. The brothers declined to cooperate and struggled violently against the vigilantes. Frustrated in their efforts to complete a proper lynching, the mob gunned the brothers down and threw a rope with a hangman's noose across their lifeless bodies as a message to others.⁸¹ In short, it seems that hanging was simply regarded as the proper and "civilized" way to conduct an illegal execution.

In practice, illegal hangings were far cruder and more disorderly than legal hangings. The victim would be roughly seized and often beaten. The mob would then rush to the nearest tall tree, throw a rope over a high limb,

put the noose around the prisoner's neck and haul him into the air.⁸² Occasionally, the vigilantes would seat the prisoner on a horse under the hanging tree. They would then startle the horse which would jump forward, leaving its rider hanging from the tree.⁸³ If the vigilantes were in a hurry, or if no tree were handy, they would hang the victim from rafters,⁸⁴ a telegraph pole,⁸⁵ a corral crossbar,⁸⁶ or from a pole specially erected for the purpose.⁸⁷ This type of inartful procedure frequently resulted in the prisoner strangling to death. Once the victim died, the corpse was often mutilated by gunfire⁸⁸ and left to hang until decomposition and gravity cast the remains to earth,⁸⁹ or until a volunteer cut the body down.⁹⁰ By 1890, illegal hangings had largely passed out of favor with the public. From 1891 to 1963, there was only one illegal execution, a lynching at Phoenix in 1917.⁹¹ The new method of execution in Arizona would be poison gas.

Poison Gas. Arizona's shift to poison gas as the legal method for executions came primarily as a result of a miscalculation in the hanging of Eva Dugan on 21 February 1930.⁹² Dugan was a corpulent woman weighing about 250 pounds. Her frame had been weakened by years of dissolute living. The hangman simply gave her too much rope for her condition and size. When she reached the end of her fall, the tremendous physical force tore

off her head. The headless corpse naturally disgusted the spectators and encouraged the legislature to consider a method less susceptible to that sort of bloody error.⁹³

In his address to the legislature on 12 January 1931, Governor George W. P. Hunt suggested that the lawmakers conduct a "careful investigation . . . to find a means to enact the death penalty less barbarous and revolting than the one used at present."⁹⁴ A bill introduced in the state house of representatives on 2 February 1931 rapidly passed both houses and was sent to the executive office.⁹⁵ Unfortunately for Governor Hunt, he belatedly learned that Arizona's legal death method could only be altered by initiative or referendum.⁹⁶ He therefore vetoed the bill.⁹⁷

A referendum measure was initiated in the state house of representatives on 3 February 1933.⁹⁸ The measure was passed by both senate and house and approved by the governor on 17 March 1933.⁹⁹ The resulting referendum petition was formally adopted by the electorate on 3 October 1933, by a vote of 14,999 to 11,585.¹⁰⁰ Legal hangings by the Arizona state government ended on 28 October 1933.¹⁰¹

However, the final legal hanging in Arizona did not occur until 1936, when the federal government hanged Earl Gardner.¹⁰² In 1937, the United States Congress amended the United States Code to require federal officials

administering the death penalty to use the method prescribed by the state where the crime was committed.¹⁰³ For at least the foreseeable future, there will be no more legal hangings within the borders of Arizona.

The state has used poison gas to execute 34 criminals.¹⁰⁴ Many of the customs associated with legal hangings carried over to the new technology. Prison officials offered the small consolations of clergy, last meal and final words. The gas chamber at Florence, however, seemed to usher in a process that was more methodical and mechanical than in the hanging era. The prisoner was strapped into a black metal chair inside the steel chamber. The door was closed and tightly sealed. As the witnesses watched, a lever was pulled, releasing cyanide tablets into a mixture of acid and distilled water beneath the chair. The resulting cloud of hydrogen cyanide gas quickly filled the chamber. The prisoner died as soon as he took one deep breath. The prison officials would evacuate the poison gas, make a medical check to confirm death and dispose of the remains in the customary manner.¹⁰⁵ The first execution using poison gas occurred in 1934 and the last in 1963.¹⁰⁶

CHAPTER II.

Justifying Capital Punishment

Legal Executions

This study has already addressed the basic historical facts of Arizona's one hundred eleven legal executions. There is some certainty as to who was executed, when, where, by whom and how. Moreover, it appears that murder was the only crime ever punished in Arizona by legal execution.¹⁰⁷ The question remains why death was used as a sanction instead of imprisonment.

The three generally-accepted rationales for the death penalty are specific deterrence, general deterrence and vengeance. Arizonans have employed each of these concepts to justify capital punishment. The goal of specific deterrence is preventing a particular offender from ever committing a similar crime. The death penalty is certainly the ultimate cure to recidivism. However, there are surprisingly few references to this idea over the century of Arizona's executions. Once securely incarcerated, few murderers were considered such monsters that they had to be killed solely to prevent more murders.

Vengeance was a more frequent justification. If someone wrongfully took a human life, then society was fully within its rights to avenge that death. The idea of vengeance carried with it a fair measure of

vindictiveness and emotion which could only be released by the death of the malefactor, a person who has proved his unfitness to live.

General deterrence was probably the best-articulated reason for capital punishment. If murderers were promptly executed, then others would refrain from murder because of a fear that they too would be executed. While many scholars today would question whether criminals are effectively deterred by the threat of capital punishment,¹⁰⁸ in early Arizona the connection was gospel. The story of capital punishment for train robbery is a good example of the belief in general deterrence.

In the late 1880's, there were several train robberies in the Arizona Territory. The railroads had just provided a new, reliable link between Arizona and the outside world. The public was outraged by outlaws interfering with passage of the trains. In response, the legislature passed a bill in early 1889 making train robbery punishable by death.¹⁰⁹ The Arizona statute was patterned after a similar New Mexico law which has supposedly halted all train robbery in New Mexico since its passage in 1887.¹¹⁰

The new law was put to the test within a few months. On 20 March 1889, four men robbed the Atlantic and Pacific eastbound train at Diablo Canyon near

Winslow. A posse led by Yavapai County Sheriff William O. "Buckey" O'Neill finally captured the outlaws after a lengthy chase through Northern Arizona and the Utah canyons.¹¹¹ Because the crime was committed after passage of the new statute, the robbery was a capital offense. However, since the perpetrators were unaware of the passage of the act, the trial judge allowed them to plead guilty to the non-capital charge of highway robbery and sentenced them to twenty-five years at the territorial prison.¹¹² Otherwise, the outlaws faced an almost certain death sentence.¹¹³

The point of this episode is the belief that the threat of death is an effective deterrent to criminal conduct. It was, therefore, grossly unfair to execute the train robbers when they had been given no opportunity to conform their actions to the new law. This moral was driven home by a humorous article in the Prescott newspaper, supposedly explaining why another set of would-be train robbers declined to rob a train once they had learned of the new death penalty statute.

It is supposed that the train robbers were frightened into abandoning their attempt to rob the train last Monday night, by reading the law making train robbery a capital crime. The only clue to the identity of the men is the finding of a copy of the laws passed by the 15th Legislative Assembly near the scene of the wreck. There is a difference of opinion regarding the cause of their failure to rob the train. One faction claims

that they had possibly been sitting around the telegraph pole waiting for the train to come along, and that each of the three agreed to read a piece out of it to pass the time away. Number 1 read the bill where an alien is not allowed to enter the hospital in case he is hurt. He being a Mexican, became frightened lest he should get hurt, and skipped out. Number 2 read the train wrecking act and followed number 1. While Number 3 turned to the act for the calling of a constitutional convention, and after finishing it concluded that Arizona must have increased greatly in population since he visited her last year, and wisely concluded he would be caught in such a thickly populated country, and picked up his hat and sauntered down the road to Benson and signed a petition in favor of statehood. And yet there are people in Arizona cruel enough to insinuate that the 15th Legislative Assembly accomplished nothing.¹¹⁴

For all of the publicity attending adoption of the death penalty for train robbery, no one was ever actually executed in Arizona for the crime. The threat of death may have been enough to deter potential robbers, or at least to satisfy the public that something concrete had been done to curb interference with the trains.

Newspaper editorial writers repeatedly voiced the widely-held conviction that vigorous implementation of the death penalty was an effective general deterrent to crime. The following article is typical:

Murders are becoming too frequent in Arizona. A wholesome administration of the penalties for this heinous crime would undoubtedly tend to

diminish promiscuous killings very perceptibly. There is a screw loose somewhere. Either the prosecution is too lax, the defence too subtle, or the sensibilities of the people are becoming blunted. The fact remains, nevertheless, and no matter from what cause, it is not creditable to our territory.

It is clear that Arizonans relied on the three traditional theories of specific deterrence, vengeance and general deterrence to validate imposition of the death penalty. However, there were many executions unsupportable under any of these theories. Consider a crime of uncontrolled passion such as a man killing his mistress in a fit of jealous rage. There is no hint that the murderer will ever kill again. There is no need to execute the offender under specific deterrence nor would his death provide an efficacious example for others. Vengeance alone is a weak excuse, especially when the murderer is obviously repentant and not a real future threat to society. Despite these considerations, such people were executed.

The reason appears to be the powerful and pervasive concept of "atonement." This idea presupposed a balance or harmony in society. The unlawful taking of a human life upset the equilibrium, which could only be reestablished if the murderer was duly executed. The idea was essentially the Old Testament doctrine of a life for a life. There was often no rancor or malice toward

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the person to be executed. Many times the person was pitied and the need for his death lamented. Unfortunately, he simply had to "pay the price"¹¹⁶ or "atone"¹¹⁷ for the crime. As a result, many legal executions took on the aspect of a passion play, with the defendant expected to play his part bravely and calmly. Many did just that.¹¹⁸ Those who did so were praised for dying like men.

Illegal Executions

The same reasons supporting legal executions were used to justify the 49 illegal executions. However, the priorities often underwent a drastic reordering. The more genteel notion of atonement was rarely mentioned. Naked revenge moved to the forefront for most illegal executions. In the case of an illegal death penalty for murder, summary vengeance was the goal. The time span between the murder and the resulting execution was often less than one day. The same was true for the two cases of attempted murder which instigated mobs to illegally execute the offenders. General deterrence was not a real consideration under those circumstances. However, in the case of the four men lynched for rustling, the obvious goals of the lynchers were both to end the depredations of the specific rustlers and to send a message to others.¹¹⁹

Illegal executions were subject to far more unscrupulous manipulation than legal proceedings. The most egregious example was the 16 January 1882 hanging of John Williams by a mob of railroad workers on the Atlantic and Pacific line in Northern Arizona. Ote Anderson incited the workers to hang Williams because he had supposedly stolen ninety dollars from Anderson.¹²⁰ Fortunately, of the 49 illegal executions, forty-three were for murder. There was therefore at least a general symmetry between crime and punishment.

The more troubling question is why people would resort to illegal executions. There appear to be a number of reasons for this phenomenon. First, legal maneuvers and appeals often resulted in the release of people plainly guilty of serious crimes. In fact there was not a single legal execution in Arizona until 1873, largely because of judicial delays.¹²¹ A good example is the case of William Gertrude, who murdered Mary Anschutz at Prescott in September 1870. The district court at Prescott convicted him of the crime and sentenced him to hang on 29 December 1871. Gertrude first petitioned Governor Anson Pacely Killen Safford for a stay of execution.¹²² Unsuccessful there, his attorneys next applied to United States Commissioner John Webster Dorrington for leave to file motion for a new trial.¹²³ That motion was denied, although District Judge Isham

Reavis did allow an appeal to the Territorial Supreme Court.¹²⁴ The appellate court granted Gertrude a new trial because the trial judge had inadvertently failed to give written instructions to the jury.¹²⁵ Gertrude was then sent to Arizona City (Yuma), where he could stand trial before an impartial jury.¹²⁶ He escaped on 17 February 1872, and was promptly recaptured.¹²⁷ When the prosecution was unable to impanel an impartial jury in Yuma County, Gertrude moved for dismissal of the charges against him.¹²⁸ The trial court granted the dismissal motion, and Gertrude was released in December 1872.¹²⁹ Instances of this sort caused citizens to greatly distrust the legal process.¹³⁰

A second reason for illegal executions was the infuriating ease with which prisoners could escape from territorial jails.¹³¹ Time and time again, dangerous criminals were able to dig out through earthen floors or saw through wooden walls of the flimsy county jails and evade recapture for extended periods.¹³² As a result, there was often little incentive to turn "known" murderers over to the authorities if they would only escape within a few days. For many, summary justice was a more palatable and logical choice.

A third excuse for lynching was the supposed leniency of territorial judges and juries. In the early territorial period, the strict laws contributed to the

situation. Under the Howell Code of 1864, the only punishment for murder was death.¹³³ Many murders were clearly unpremeditated and the result of sudden passion. Naturally enough, juries were disinclined to bring in a guilty verdict in the presence of such mitigating factors when the penalty was automatically death. As a result, some murderers were set free with no punishment at all.¹³⁴

This phenomenon was not confined to the Arizona Territory. As United States Supreme Court Justice John Paul Stevens noted in the 1976 case of Woodson v. North Carolina:

At least since the Revolution, American jurors have, with some regularity, disregarded their oaths and refused to convict defendants where a death sentence was the automatic consequence of a guilty verdict. As we have seen, the initial movement to reduce the number of capital offenses and to separate murder into degrees was prompted in part by the reaction of jurors as well as by reformers who objected to the imposition of death as the penalty for any crime. Nineteenth century journalists, statesmen, and jurists repeatedly observed that jurors were often deterred from convicting palpably guilty men of first-degree murder under mandatory statutes.¹³⁵

In 1873, the legislature finally provided for two degrees of murder. Basically, premeditated murder was still punishable by death while other murders would be

punishable by a sentence of ten years to life in prison.¹³⁶ Although the number of people found guilty of murder and sentenced to receive at least a term of imprisonment rose noticeably after the 1873 statutory change, the perception remained that juries were far too lenient.¹³⁷ If juries shrank from sentencing murderers to death, then lynch mobs would do it for them.

A fourth justification for illegal executions was the lack of adequate law enforcement in much of the Arizona Territory. There were simply not enough peace officers to effectively police the region and maintain order. As a consequence, people were more apt to take the law into their own hands. As one newspaper noted in 1871:

The law in Arizona is too imbecile, too weak, too cowardly, to punish dangerous characters, which fact suggests to men the propriety¹³⁸ of defending themselves.

The penchant for self-help methods in early Arizona may be a natural consequence of the Western frontier experience. As historian Frederick Jackson Turner has observed, people on the frontier had to fight crime and preserve order through their own will and efforts:

Western democracy included individual liberty, as well as equality. The frontiersman was impatient of restraints. He knew how to preserve order, even in the absence of legal authority. If there were cattle thieves, lynch

law was sudden and effective: the regulators of the Carolinas were the predecessors of the claims associations of Iowa and the vigilance committees of California. But the individual was not ready to submit to complex regulations. Population was sparse, there was no multitude of jostling interests, as in older settlements, demanding an elaborate system of personal restraints. Society became atomic. There was a reproduction of the primitive idea of the personality of the law, a crime was more an offence against the victim than a violation of the law of the land. Substantial justice, secured in the most direct way, was the ideal of the backwoodsman. He had little patience with finely drawn distinctions or scruples of method. If the thing was one proper to be done, then the most immediate, rough and ready, effective way was the best way.¹³⁹

A fifth reason for illegal executions was the relative ease with which many convicted murderers were able to obtain release through pardons and paroles. Even if the death penalty were imposed at trial, commutation to life in prison was commonly granted by the territorial governors.¹⁴⁰ Release from all confinement would often follow a few years later.¹⁴¹ One reason for this phenomenon was the fact that territorial governors were appointed by the president and were, therefore, not directly accountable to the people of the territory or always aware of the nuances of a particular case. If

someone presented a petition seeking clemency for a specific prisoner, the governor would often simply grant the request without due reflection.

It is unclear just how many pardons were granted by the territorial governors. Some, such as Governor Nathan O. Murphy, seemed to grant most requests for reprieves, pardons or commutations.¹⁴² Others, such as Governor Frederick Augustus Tritle, were much more selective. However, as Governor Tritle observed in 1883, the pressure to provide some relief could be very intense:

Soon after a conviction is had for the commission of a crime, the executive is besieged by communications from relations and friends, requesting executive clemency, and this without presenting petitions from the court, the jury, or the community generally, or giving good and sufficient reasons therefor.¹⁴³

In fact, Governor Tritle finally recommended the formation of an independent board of pardons because the grant of sole pardon power to one person imposed a "responsibility greater, in my judgment, than should be vested by the law-making power of the Government in an individual."¹⁴⁴ However, it was not until after Arizona attained statehood that the pardon power of the governor was subordinated to the decision of an independent board of pardons and paroles.¹⁴⁵ The knowledge that a criminal

could manage to escape death through manipulation of a governor's sympathy or ignorance was another possible explanation for illegal hangings.

A sixth explanation for the use of illegal execution may lie in the waves of terror and violence that periodically swept over the Arizona Territory. Some historians have suggested that unsettled conditions in the region kept alive a "killing instinct" in the general population.¹⁴⁶ The value of human life in such a violent environment may have been considerably diminished.¹⁴⁷ Under the stress of perpetual fear and murder, the hasty taking of a human life in immediate response to a serious crime may have seemed entirely proper.

Whether true or not, the Arizona populace at times was sure that outlaw violence had passed out of control, creating a general sense of fear and terror. For example, in 1871 Governor Anson Pacey Killen Safford reported:

The recent murder of three citizens at Mission Camp, and the perpetration of similar acts on the Gila road, within the last three years, by desperadoes and outlaws, have excited general alarm and a feeling of insecurity¹⁴⁸ on the part of our citizens.

Again, in 1882, the situation in southern Arizona looked so bad that President Chester A. Arthur sent two messages to Congress recommending that the United States Army be

used to restore law and order.¹⁴⁹ There may be a correlation between the conclusion of the Apache Wars in 1886,¹⁵⁰ the decline of outlaw activity in the late 1880's, and the effective end of illegal executions in 1890.

A seventh reason for illegal executions may have been the vigilante process itself. Vigilantism in the American West was normally a "sudden, relatively isolated, and combustible" phenomenon in which angry, outraged men combined in sharp reaction to perceived wrongs and dangers and then quickly returned to their normal lives.¹⁵¹ Once assembled as a lynch mob, Arizona's vigilantes may have carried out their illegal executions partly as a matter of sheer momentum. A clear example of this is John Willis, who was lynched by a Tucson mob on 8 August 1873, along with the three murderers the crowd originally set out to hang.¹⁵²

Finally, illegal executions may have been rather frequent events in the early years of the Arizona Territory because they were tacitly, and sometimes explicitly, condoned by law enforcement officials and the leaders of society. The approval came in a variety of ways. Newspapers suggested that illegal executions, while deplorable, might be necessary events under extreme provocation. This 1871 editorial is a good example:

Vigilance Committee

The alarming frequency of deeds of violence in our community, and the tardiness with which justice is meted out, will, we fear, judging from the ominous mutterings of the people, culminate in a Vigilance Committee, the self-constituted arbiters of justice so common to the frontier, or, whenever laws are not promptly and strictly enforced. Although society has been outraged, and murder and homicide perpetrated with an unprecedented and reckless indifference, by lawless and desperate men, yet we hope the necessity for a Vigilance Committee, the existence of which all law-abiding citizens must ever deprecate, may not arise. ¹⁵³

A similar tone is evident in an 1877 story suggesting that a little lynching would help to stem a rising tide of stage robberies:

We are no advocates of lawlessness in any shape, and especially that of redressing wrongs outside of the Courts and officers of the law, but as sure as these annoyances continue, the people are not going to submit to it quietly, and the time is not far distant when a few of these gentry will be strung up to limbs, or shot down like sheep-killing dogs. We must be permitted to come and go in peace even though it costs the lives of a hundred thieves and robbers. ¹⁵⁴

An 1881 newspaper story about a shooting incident ended with typical advice for the period:

We never counsel violent or hasty action, but as the emergency presents itself, we say let there be a little wholesale hanging of bad characters.¹⁵⁵

Moreover, when reporting illegal executions, territorial newspapers often expressed their approval of what had happened.¹⁵⁶

Surprisingly, the legal system itself provided much of the support for illegal executions. Hollywood and television have immortalized the brave jailers who stood their ground and refused to surrender their prisoners to lynch mobs. However, at least in Arizona, if a lynch mob marched on a jail to seize a prisoner for an illegal execution, the jailers would usually be conveniently absent or would offer only token resistance. There is only one instance where a peace officer gave his life defending a murderer from mob actions. In that case, the vigilantes got their man anyway and the newspaper reporting the event accused the lawman of stupidly and unnecessarily inviting his own death.¹⁵⁷

The final act of legal complicity came after the completion of the illegal execution. The vigilantes were simply not arrested or punished, even though their identities were known to the entire community. If an inquest were held, the coroner's jury would often state

that death came by natural causes. For instance, following the lynching of John Heith at Tombstone on 22 February 1884, the Cochise County Coroner reported:

I find that the deceased died of emphysema of the lungs, which might have been caused by strangulation, self-inflicted or otherwise.¹⁵⁸

An alternative to this was a finding that the "deceased came to his death by hanging by the neck by parties to the jury unknown."¹⁵⁹

Results were no better if a conscientious county attorney sought an indictment from the grand jury. As an example, after the illegal hanging of two men at Phoenix in 1879, the Maricopa County Grand Jury made these comments in its final report:

We find that the revolutionary nature of the men who caused the hanging of two men in the streets of Phenix [sic], on the 22nd of August last, were assisted and abetted by so large a number of our best citizens that we have to admit, with shame, that this Grand Jury and Court cannot execute our laws, and ask to be discharged, by simply stating this case and the general condition of affairs in the county to its people.¹⁶⁰

The only recorded effort to promptly apprehend and vigorously prosecute the organizers of an illegal execution came in early 1882. On 16 January 1882, Ote Anderson gathered a mob of railroad workers who lynched

John Williams because he had allegedly robbed Anderson of ninety dollars. The local constable arrested Anderson and two of his confederates and transported them to the Yavapai County Jail. Apparently the charges were subsequently dropped.¹⁶¹

As Arizona became more orderly and heavily populated, the circumstances justifying illegal executions slowly ended. Law enforcement became more professional, competent and aggressive. Jails and prisons were upgraded, decreasing the chances for escape. Public officials and newspapers stopped condoning lynchings. The Army finally subdued the Apaches and the activity of outlaw gangs and border bandits subsided dramatically. The legislature sharply curbed the governor's ability to grant pardons, reprieves and paroles. In fact, Arizonans ultimately decided that the time was right to abolish the death penalty entirely. The following chapters describe the success of that endeavor.

CHAPTER III.

The First Effort at Abolition (1910-1914)

Arizona voters abolished the new state's death penalty in 1916. This feat was the accomplishment of a national movement and a local man. The movement was Progressivism, a blend of populist and democratic theory seeking moderate political change and social improvement through rational government policy. Progressive leaders espoused a variety of penal reforms.¹⁶² The progressives were able to implement new programs in many states, including conversion of executions from hanging to the supposedly more humane method of electrocution, the introduction of supervised probation, the use of indeterminate sentencing, the formation of probation and parole bureaucracies and the creation of a separate juvenile justice system.¹⁶³

One important reform was the abolition of the death penalty. Progressive opposition to capital punishment was based less on sentimentality than on the idea that such a barbaric method was not the most effective deterrent to crime. There seemed to be no uniformity of imposition of this ultimate punishment. Therefore, criminals were not efficiently deterred because they did not face certain punishment. Since the death sanction was not the most efficient and scientific way to control crime, progressives argued that the state should stop

killing criminals and instead impose long prison sentences. Moreover, lengthy terms in prison would be a better method because judges and juries would be far more inclined to consistently hand them down.

Progressives were surprisingly successful in persuading state legislatures and electorates to abolish capital punishment. In fact, between 1907 and 1917, nine states ended the death penalty: Kansas (1907), Minnesota (1911), Washington (1913), Oregon (1914), North Dakota (1915), South Dakota (1915), Tennessee (1915), Arizona (1916) and Missouri (1917).¹⁶⁴

The man who actually led the successful effort to abolish capital punishment in Arizona was George W. P. Hunt, a flamboyant populist and progressive politician who was elected Arizona's state governor seven times.¹⁶⁵ Hunt, who was deeply religious, based his vigorous opposition to the death penalty on utilitarian, ethical and Christian principles. Hunt faced the daunting task of convincing Arizonans that their long-held justifications for capital punishment were wrong. He started the battle in 1910.

While president of the Arizona Constitutional Convention in 1910, Hunt supported adoption of a clause in the new state charter that would ban the death

penalty. On 25 November 1910, the following section was offered as part of the proposed Arizona Declaration of Rights:

Capital punishment is prohibited, and no court shall have the right to take a human life as punishment for crime.¹⁶⁶

Without any floor debate at all, the delegates struck the clause by a roll call vote of 25 to 13, with Hunt in the minority.¹⁶⁷

Hunt was apparently not disheartened by the convention's failure to ban the death penalty.¹⁶⁸ Following his election as the state's first governor, on 18 March 1912 he addressed the legislature with a forceful plea to abolish executions:

I subscribe, also, to the belief held by millions, and yet increasing millions, that capital punishment is a relic of barbarism; that the legalized taking of life is a straining of Christ's law which has no place in modern civilization. I subscribe to the belief that the murderer may be punished through the medium of an awakened consciousness far more effectively than by the breaking of his neck and hurling his soul into eternity; that a more fearful and effective example to others lies in the certainty of imprisonment than in the fleeting fear of death, a fear which temporarily has no place in the passion-heated or drunk-crazed brain. I therefore recommend that submission to the people of an amendment to the Constitution directed to the abolition of capital punishment.¹⁶⁹

The legislature, however, was preoccupied with drafting the laws needed to meet Arizona's new challenges and responsibilities as a state. No legislator even submitted a bill to abolish the death penalty.

Hunt did not have the luxury of leisurely persuading Arizona's legislators to end capital punishment. In early 1912, the Yavapai County Superior Court sentenced four men to death for the crime of murder. By September 1912, rumors began to circulate that Hunt planned to commute the four sentences to life in prison.¹⁷⁰ Hunt also allegedly asserted that no man would be legally hanged while he was governor.¹⁷¹ To forestall that threat, some newspapers suggested that the legislature take the pardon and parole power away from the office of the governor and give it to an independent board.¹⁷²

The execution date for the four murderers was set for 11 October 1912. By early October, the Prescott newspaper was speculating that Hunt would rescue the men through his commutation power and warned Hunt of the adverse political consequences.¹⁷³ Always looking for an advantage, Hunt surprised everyone by not commuting the death sentences. Instead, he granted six-month reprieves to the four condemned men on 11 October 1912.¹⁷⁴ The reaction across the state was generally rather muted, although most newspapers were mildly critical.¹⁷⁵ In

Prescott, where the men had originally been sentenced, the response was vitriolic.¹⁷⁶ The local newspaper launched almost daily assaults on Hunt's character, motives and ability to hold office, demanding his immediate recall.¹⁷⁷ The storm slowly subsided, but Hunt had apparently not won many friends by his tactics.

In any event, the reprieves gave Hunt a perfect opportunity to explain to a wide audience his moral, religious and pragmatic reasons for opposing capital punishment. In his proclamation granting the reprieves, carried in large part by several regional newspapers, Hunt eloquently pleaded his case. The bulk of his argument is reprinted here as one of the best summaries of Hunt's rationale and program.

Proclamation of Reprieve

State of Arizona
Executive Department

WHEREAS, the citizens of Arizona, grateful for their recent admission to the privileges of statehood, feel genuine pride in the high rank which their state has taken among the most progressive commonwealths of the Union, by the founding of a government on the principles of humanity, utility and economy; and

WHEREAS, by actual experience and by comprehensive statistics compiled by the world's most eminent sociologists and political economists, it has been proven, beyond all doubt, that capital punishment is not founded upon utility; that it does not act as an efficient deterrent from capital

crime; but for reasons that are apparent incites the social consciousness to further violence and bloodshed, as is shown by the fact that the states leading in the number of legal executions also lead in lynchings; while Michigan and Wisconsin, which abolished capital punishment over fifty years ago, have during the last ten years had only half as many murders in proportion to population as Ohio, which has rigorously applied the death penalty; and

WHEREAS, a murder is none the less a murder when committed by society instead of by an individual; contravenes the dictates of modern Christianity and the ideals of civilization, and therefore has no more rightful place in the social order of today than had the dreadful orgies of witchcraft in the social order of two centuries ago, but is a ghastly error of ancient judgment, a dictum of darker ages; and inasmuch as the first state legislature, during its regular and extraordinary sessions, was so occupied by matters of vital importance to the state, as to have been prevented from making capital punishment adequately the subject of investigation and deliberation; and

WHEREAS, I deem it to be for the best interests of Arizona and in absolute accord with the irreproachable record thus far maintained by this state as a commonwealth alive to every need of the age and alert to every call of progress, that the legislature, which of necessity must be convened in special session within a few months, shall have a second opportunity to apply its energy, statesmanship and judgment to a proposal for the abolition of capital punishment and thus forbid that our fair state

should stain her career by the quadruple execution to occur October 11, 1912; and

WHEREAS, it is my earnest belief that the will of the people of Arizona, in being a servant of whom I am highly honored, would not dictate or sanction the deliberate hanging of four men under sentence of death at the state prison, in transgression of the law of God and in defiance of the teachings of Christianity, that greatest of civilizing influences whereby retribution is tempered with kindly mercy; and inasmuch as every better human instinct and the importunate admonitions of conscience cry out against delegating to one man the duty of putting to death his fellowman; and

WHEREAS, if the legislature of our sovereign state, after further conscientious investigation and due deliberation, should deem it inexpedient or unwise to eliminate capital punishment from our penal code, I would desire, under the salutary provisions of the initiative embraced in our constitution, to circulate a petition proposing the abolition of the death penalty for capital crimes, and to secure the submission of the question to the electors of their state at a special or general election.¹⁷⁸

On 3 February 1913, the first state legislature reconvened to begin its second special session.¹⁷⁹ At the opening meeting, Governor Hunt made his final direct appeal to the members to abolish the death penalty. This message exceeded in length and intensity his initial recommendation in March of 1912. There is a sense of desperation and urgency in the language:

CAPITAL PUNISHMENT

A year ago I recommended to the legislature the submission of a constitutional amendment providing for the abolishment of capital punishment. That recommendation I now repeat, and urgently request that through legislative action the people of the state be afforded an opportunity to signify their disapproval of legalized murder. Present-day enlightenment is crystallizing an extended and rapidly extending opposition to the taking of human life, by any means or under any pretext; practical, modern Christianity, independent of church or creed, demands that this relic of the darkest of dark ages be relegated to the limbo of the past; students of psychology, sociology and penology, supported by records no less than by theory and reason, are a unit in agreeing that its practice serves no good purpose, acting neither as a preventative or a deterrent of crime; the march of humanity forbids its perpetuation even as it forbids the medieval custom of throwing prisoners to wild beasts to make a holiday, and common sense teaches that the legalizing of its horrors must lower rather than raise standards of a people, and breed contempt rather than respect for a law which violates every merciful instinct and gives the lie to God's Sinaitic command, "Thou shalt not kill."¹⁸⁰

Hunt was at least able to coax some reaction from the legislature this time around. Senator John T. Hughes (D), Pima County, submitted Senate Bill No. 7 on 4 February 1913.¹⁸¹ The bill sought amendment of the penal code to end capital punishment for murder and submission of the question to the Arizona electorate at the next

general election. Hughes' bill had a very short life. On 19 February 1913, the senate voted to indefinitely table the measure on a roll call vote of 13 to 5.¹⁸² The bill was never revived.

Hunt also received symbolic support in the house from Representative William M. Whipple (D), Greenlee County. In early March 1913, Representative Whipple tried to strike all death penalty provisions in the proposed penal code because of his belief that all criminals were necessarily insane and should be restrained by society, not killed.¹⁸³ He was consistently voted down and soon gave up his quixotic endeavor.¹⁸⁴

One of the most demanding and vital projects of the second special session was enactment of a comprehensive state penal code. Because of their perception that Governor Hunt had abused his reprieve and pardon power, the legislators inserted clauses creating an independent board of pardons and paroles. Under the terms of the proposed law, the state governor would be unable to grant any parole, reprieve, commutation or pardon without a recommendation from the board. This would be the first check on the pardon power of an Arizona governor since enactment of the Howell Code in 1864. There was surprisingly little public attention directed to

legislature's proposed curb on this gubernatorial power.¹⁸⁵ This may have been due to the size and complexity of the overall penal bill.

Having passed the penal code and completed several other projects, the legislature sent the bill to the governor's office and then adjourned.¹⁸⁶ However, Hunt refused to meekly surrender his independent pardon and reprieve powers. Since he did not have a line-item veto ability, Hunt vetoed the entire penal code on 11 April 1913.¹⁸⁷ All of the extensive legislative efforts to enact a new penal code were wasted. Hunt then rubbed salt in the wound by extending the reprieves of the four Prescott murderers until 16 May 1913. He also reprieved another killer to that same date.¹⁸⁸ Hunt said that he was granting these reprieves to give the legislature a chance to abolish the death penalty itself or at least place the issue on the November 1914 general election ballot.

At this stage, however, the legislators were in no mood to cooperate with Governor Hunt. He had just vetoed a major piece of legislation without consultation or warning and without giving the legislators a chance to immediately support or override the veto. The legislature convened its third special session on 14 April 1913. In his message to the legislature, Hunt

declined to give his usual plea for abolition of the death penalty. Instead, he stressed the need to pass a penal code preserving the governor's pardon power.¹⁸⁹ Fully aroused by Hunt's veto, Arizona's legislators reintroduced the vetoed penal code, in its original form, on opening day of the new session.¹⁹⁰

As the penal code made its way through the legislative process, Hunt had to contend with reinvigorated protests over his recent reprieves. Several mass meetings in Prescott accused Hunt of abusing the powers of his office to advance his own views on the death penalty.¹⁹¹ Hunt energetically responded to the Prescott protests, arguing that he had only used the reprieve and pardon power when absolutely justified by the merits of each case. He defended the de facto suspension of executions as a means to present the death penalty issue directly to the people of Arizona:

Regarding the Yavapai County men who are now in the state prison under sentence of death, and who have been reprieved by me, there need be no uneasiness. They will be carefully preserved. But I do not want their blood on my hands, and I ask that the people of Arizona be allowed an opportunity to say whether or not they want the blood of human beings on theirs.¹⁹²

Hunt's reply does not seem to have mollified the citizens of Yavapai County, but his stubborn opposition to the death penalty had certainly brought the issue to

the attention of the people at large. For instance, the subject of capital punishment was the debate topic at a public meeting at Eastlake Park in Phoenix in mid-May 1913.¹⁹³

Newspapers across the state were also addressing the question.¹⁹⁴

Although Hunt may have made some favorable impact¹⁹⁵ with the public by his consistent, determined and principled stand on the death penalty, he had not made much of an impression on the state legislators. The legislature quickly pushed the full penal code through both houses,¹⁹⁶ although the measure faced a certain veto.¹⁹⁷ The legislature approved the penal code and sent it to the governor on 14 May 1913.¹⁹⁸ On 15 May 1913, Governor Hunt extended the five current reprieves until 20 June 1913. He then turned to the challenges presented by the newly ratified penal code.

Burned by the veto following its last session, the legislature refused to adjourn until Hunt either signed the bill or exercised his veto.¹⁹⁹ Hunt again vetoed the bill on 16 May 1913. This time he sent an extensive explanation to the legislature, maintaining that the governor needed a free pardon power to properly maintain separation of powers and preserve legitimate executive authority in administering the laws.²⁰⁰ The legislators were unpersuaded, and reenacted the measure over Hunt's veto the very same day. The house passed the bill by a

vote of 25-6. The senate vote was an even more lopsided 15-1. In fact, the only senator to vote for Hunt was John T. Hughes (D), Pima County, the man who had unsuccessfully sought legislative abrogation of the death penalty in the second special session.²⁰¹

Under Arizona law, the new penal code would not become effective for ninety days after its passage. This delay allowed the people an opportunity to file referendum petitions staying implementation of the law until the electorate could vote directly on the measure at the next general election. Hunt made it very clear that referendum petitions would indeed be circulated and filed contesting the pardon-power sections of the penal code.²⁰² On 4 June 1913, petitions were taken out for exercise of the referendum.²⁰³

While signatures were being collected for the referendum, Hunt continued to exercise his reprieve and pardon powers. On 5 June 1913, he granted a new reprieve to yet another murderer, extending his execution date to 20 June 1913.²⁰⁴ Hunt announced that he would soon extend all death sentences until 19 December 1914, to allow collection of enough initiative signatures to place the capital punishment abolition issue on the November 1914 general election ballot.²⁰⁵ On 19 June 1913, Hunt kept his promise and extended all reprieves until December 1914.²⁰⁶ On 22 July 1913, Hunt granted an

unobjectionable pardon to Leslie Y. Caruthers, who had been convicted of a minor violation of the state liquor laws.²⁰⁷

Of course, in a very real sense, the pardon power conflict was subsidiary to the larger question of abolishing capital punishment in Arizona. On 31 July 1913, Hunt arranged for the filing of initiative petitions with the secretary of state, requesting the submission of the death penalty question directly to the people. On 9 August 1913, Hunt's supporters filed adequate referendum petitions on the pardon power issue.²⁰⁸ Both matters would appear on the November 1914 general election ballot.

Hunt was in a delicate and difficult political position as he waited for the referendum vote on his pardon power and the initiative vote on the abolition issue.²⁰⁹ Although he did not want to antagonize the electorate, Hunt felt obligated to use his pardon authority to give relief to all deserving applicants. Thus, on 13 September 1913, Hunt pardoned a forger and a robber who had both behaved well in prison.²¹⁰ However, the governor refused to follow the Arizona tradition of granting a few pardons at Christmas, soberly explaining on 24 December 1913 that he would only give pardons when absolutely necessary for the public good.²¹¹

Meanwhile, Hunt enthusiastically mounted a writing and speaking campaign justifying his use of pardons and reprieves and promoting abolition of capital punishment. He distributed pamphlets and made public appearances across the state. A typical effort was a presentation Hunt made before 200 people at the Tempe Christian Church in the evening of 15 December 1913.²¹²

Hunt gave one of his longest and most persuasive speeches at the Grace Episcopal Church in Tucson on 19 April 1914.²¹³ He had the lengthy presentation printed as a 22-page tract entitled "A Paradox of Progress." The pamphlet eloquently and cogently presented Hunt's views on the death penalty, arguing that capital punishment was an unethical, illogical and unproductive remnant of the barbaric past.²¹⁴

On 21 May 1914, only a month after his forceful speech in Tucson, Hunt had to reprieve two more murderers who were scheduled to hang.²¹⁵ This brought to twelve the number of reprieves Hunt had granted. There were now eight men set to hang on 19 December 1914: William Campbell, Eduardo Perez, N. B. Chavez, Miguel Peralta, Francisco Rodriguez, Charles Schaffer, John Tomlin and Atha M. Leonard.

In May of 1914, Hunt finally received at least the promise of some organized backing for his opposition to Arizona's death penalty. On 27 May 1914, a group of

about twenty Phoenix political activists formed the "Social Service League." The leaders included Professor Isador Colodny, Dr. Rosa Goodrich Boido, Edgar A. Brown, Alvin Kemper Stabler and Robert S. Fisher.²¹⁶ The Social Service League announced an ambitious program of public meetings, the publication and distribution of anti-capital punishment literature, a speaking tour and the formation of affiliated leagues across Arizona.²¹⁷

As the summer moved on, things did not look too promising for Hunt's abolition proposal. Of course, in the days before opinion polls, it was hard to gauge public support for an end to capital punishment. In an editorial on 23 June 1914, the Phoenix Arizona Republican suggested that only a small minority of Arizonans backed abolition.²¹⁸ The newspaper based its analysis on remarks by prospective jurors in capital cases. Of those recently questioned for jury duty, supposedly less than 25% were opposed to capital punishment.

Although the Phoenix Arizona Gazette loyally backed Hunt,²¹⁹ most of the state's other newspapers kept up a steady stream of editorials and articles in favor of curbing the governor's reprieve and pardon powers and retaining the death penalty.²²⁰

To add to his troubles, Governor Hunt also faced a stormy re-election campaign. The leadership of the Arizona Progressive Party decided not to back Democrat

Hunt, and instead supported Phoenix Mayor George Ulysses Young. Within his own party, Dr. Henry Adams Hughes decided to run against Hunt in the September primary.

Hughes was a firm believer in capital punishment and in restricted use of the reprieve and pardon powers. In fact, Hughes placed a large advertisement in the Phoenix Arizona Republican on 4 September 1914, inviting Hunt to appear at a rally at the Phoenix City Hall Plaza in the evening of 7 September 1914 and defend himself on issues of reprieves and the death penalty.²²¹ Hunt was supposed to also answer Hughes' charge that he had violated his "oath of office when you said no murderers should be executed during your term as governor, and proceeded to carry out your threat."²²² Although Hunt declined the invitation, Hughes held his rally, and spoke "almost entirely with [sic] the capital punishment and scored the present administration for its attitude on that question."²²³ Hunt won the primary anyway.

At this juncture, the Social Service League finally gave Hunt some concrete help. The League held a public rally at the Phoenix outdoor Y.M.C.A. stadium in the evening of 25 September 1914. Local attorney Robert S. Fisher delivered an animated speech against the death penalty to a crowd that filled the stadium.²²⁴ Surprisingly, just a few days later, progressive candidate George U. Young came out in favor of the death

penalty.²²⁵ Moreover, on 1 October 1914, the disgruntled Dr. Hughes gave his own speech at the Y.M.C.A. stadium in which he argued for retention of capital punishment to a "goodly crowd."²²⁶

Hunt and the Social Service League also arranged one of the most unique lecture series in Arizona history. The featured speaker was Katherine Tingley, a dynamic Theosophy leader from Point Loma in California. A determined opponent of capital punishment, Mrs. Tingley arrived in Tucson on Sunday evening, 11 October 1914.²²⁷ She had brought with her the Raja Yoga String Quartet from the Isis Conservatory of the Raja Yoga College at the "International City of Lomaland," Point Loma, California.²²⁸ Encased in her enormous hat and capacious robes, Tingley must have made quite an impact in rustic Arizona.²²⁹ As the Phoenix Arizona Republican wryly commented: "Arizona is in for an intellectual treat."²³⁰

Tingley began her "non-political and non-sectarian" tour with an address at Tucson on Tuesday evening, 13 October 1914. This address, like the rest of Tingley's speeches in Arizona, was a fairly innocuous mixture of moral, mystical and spiritual platitudes.²³¹ She was introduced by Pauline Isador Colodny, one of the founders of the Social Service League. The Raja Yoga String Quartet followed with a popular program of light classical music.²³² The caravan then set off for Globe,

arriving on Wednesday, 14 October 1914.²³³ Tingley conducted a similar spectacle at Globe on Thursday evening, 15 October 1914, and then departed for Phoenix.²³⁴

On Friday, 16 October 1914, there was a reception in honor of Tingley at the Adams Hotel in Phoenix.²³⁵ In the evening of 17 October 1914, hundreds had to be turned away from her address to a capacity audience at the Elks' Theater.²³⁶ Her procession through Arizona ended with an understandably popular speech before the convicts at the Florence Arizona State Prison and a farewell concert that evening in Phoenix by the Raja Yoga String Quartet.²³⁷ Tingley's Arizona cavalcade appeared to be a great success, and at least added a memorably exotic flavor to the abolition campaign.²³⁸

As the election neared, most observers²³⁹ predicted that the voters would sack Hunt, retain the death penalty and remove the independent reprieve and pardon power from the control of Arizona's governor.²⁴⁰ There were persistent rumors that Hunt would simply commute to life all of the death sentences if he lost on the abolition issue in the general election.²⁴¹ Always appreciative of the impact of a little mystery and suspense on the voters, Hunt did nothing to dispel the speculation. For example, at a Democratic rally at the Phoenix Elks Theater on 13 October 1914, Hunt defended his stand on

the death penalty but resolutely declined to say what he would do if the electorate refused to end capital punishment.²⁴²

However, since he fully appreciated the seriousness of the situation, Hunt also embarked on a strenuous speaking tour of his own. In the days before truly adequate roads, Hunt crisscrossed the state for almost three weeks.²⁴³ The scope of this undertaking was astounding:

14 October	Miami and Douglas
15 October	Globe and Lowell
16 October	Safford and Bisbee
17 October	Morenci and Nogales
18 October	Duncan
19 October	Clifton and Tucson
20 October	Douglas and Yuma
21 October	Lowell and Florence
22 October	Bisbee and Hayden
23 October	Nogales and Ray
24 October	Tucson and Miami
26 October	Yuma and Globe
27 October	Tempe and Solomonville
28 October	Mesa and Morenci
29 October	Hayden and Clifton
30 October	Ray and Duncan
31 October	Florence and Willcox

2 November Phoenix

Hunt returned to Phoenix to await the 3 November 1914 election results, which were slow in coming in from the outlying counties.²⁴⁴

By 13 November 1914, the results were clear. Hunt was easily re-elected.²⁴⁵ However, the voters approved the creation of the pardon board by a vote of 15,425 to 13,554.²⁴⁶ The electorate also refused to abolish capital punishment, although the vote on that measure was closer. 19,381 voted against and 18,129 in favor of abolition.²⁴⁷ At least the results on abolition were better than most had expected. In fact, the abrogation proposal had carried Maricopa, Pima, Coconino, Mohave and Yuma Counties.²⁴⁸ It had even succeeded in Yavapai County, the original focus of the opposition to Hunt's stand against the death penalty.²⁴⁹

Surprisingly, Hunt blamed unnamed corporate and special interests for the defeat of the abolition measure.²⁵⁰ In fact, there is no evidence of any organized opposition to the proposal to end capital punishment. In any event, Hunt thanked his supporters for his own re-election and vowed to continue his fight to eliminate the death penalty in Arizona.²⁵¹

CHAPTER IV.

The Second Effort at Abolition (1914-1916)

Hunt was now caught in a political vise. He had until 14 December 1914 to officially certify the results of the November election. That act would end his independent reprieve and pardon power. If he simply pardoned all of the twelve men²⁵² on death row or commuted their sentences to life imprisonment, the public reaction would be sharply negative and could result in his recall. Whatever he decided to do had to be done quickly, because 19 December 1914 was the execution date for six men: William Campbell, Charles Schaffer, N. B. Chavez, Eduardo Perez, Miguel Peralta and Francisco Rodriguez.²⁵³ As State Prison Warden Robert B. Sims prepared for the hangings,²⁵⁴ Hunt granted his last full pardon to a man who had escaped from the Yuma Penitentiary in 1897 and made a good life for himself in Michigan.²⁵⁵ Fortified by that popular act of executive clemency, Hunt turned to the matter at hand.²⁵⁶

Hunt briefly considered staging a "hanging bee," or mass execution, to shock the proponents of capital punishment into supporting abolition.²⁵⁷ However, Hunt soon abandoned that notion and on 12 December 1914, Hunt commuted to life the death sentences of William Campbell and Charles Schaffer.²⁵⁸ Hunt granted reprieves to 19 March 1915 for Eduardo Perez, Francisco Rodriguez, N. B.

Chavez and Miguel Peralta. He then referred the case of Robert D. Talley to the Arizona Supreme Court and submitted the files of Francisco Garcia, William W. Kermeen, John Tomlin, Atha M. Leonard, and Francisco Villalobos to the attorney general for further investigation.²⁵⁹ Although the commutations were not severely attacked because of extenuating circumstances surrounding the crimes, Hunt was harshly criticized for his unorthodox delays in the other cases.²⁶⁰ Hunt had done all that he felt he could and signed the November enactments into law on 14 December 1914.²⁶¹

In an interesting interlude, on 22 December 1914, Hunt notified the leaders of the Chicago-based Anti-Capital Punishment Society of America that he would accept the presidency of their organization.²⁶² However, other than keeping Hunt in contact with the national opponents of the death penalty, this society seems to have made no tangible contribution to the fight against capital punishment in Arizona.

Hunt then began one of the most remarkable delaying actions in American political history. Stripped of his independent pardon and reprieve powers, he manipulated and exploited every legal and political trick in his determined effort to avoid any executions until the public could again vote on the abolition of capital punishment at the next general election in November 1916.

Although four of the condemned men were finally executed in 1915 and 1916, Hunt managed to save the rest. The story begins in early January 1915.

Denied any assistance by the attorney general, 8 January 1915 was the rescheduled execution date for Ramon Villalobos. However, Warden Sims unexpectedly refused to hang Villalobos because the new board of pardons had not yet convened and had an opportunity to consider his case.²⁶³ Arizona Attorney General Wiley E. Jones sharply attacked Sims for his unjustified obstruction of the law.²⁶⁴ However, the tactic worked, and Villalobos was resentenced to hang on 19 March 1915, with the four others Hunt had reprieved to that date.²⁶⁵

Meanwhile, the new pardon board began its work. By law, the two permanent members were the attorney general (Wiley E. Jones) and the state superintendent of public instruction (Charles O. Case). They were required to choose a citizen as third member and chairman of the board. Jones and Case selected Frank P. Trott for this post.²⁶⁶ The board held its first meeting at the state prison on 25 January 1915, but only handled administrative matters and did not consider any death cases. At this meeting and throughout its existence, the pardons board members resolutely refused to give their personal views on capital punishment.²⁶⁷ Interestingly, a few days after this first meeting, the Arizona

secretary of state released figures showing that Hunt had granted a total of 105 pardons, commutations and reprieves in his first term, with 85 in 1912-1913 and only 20 in 1914.²⁶⁸

On 20 February 1915, the pardons board set 4 March 1915 as the date to hear arguments on behalf of the five men scheduled to hang on 19 March 1915.²⁶⁹ The board asked that the prisoners file their applications and supporting documents before 4 March 1915.²⁷⁰

A few days later, on 24 February 1915, the Arizona House Committee on Public Institutions called Warden Sims to explain why he had failed to carry out the properly scheduled execution of Ramon Villalobos on 8 January 1915.²⁷¹ Promptly at 8:00 a.m., Sims appeared, with Hunt at his side. Committee Chairman Frank Pinkley (D), Pinal County, allowed Sims to tell his story with few interruptions. Sims stated that he wanted to give the pardon board a full opportunity to consider Villalobos' case before his death made the matter moot. He said that he did what he thought best under unprecedented and difficult circumstances. No one on the committee had any more questions until Representative John Christy (D), Greenlee County, asked Sims if he would execute Villalobos on 19 March 1915. Sims replied: "I will perform my duty or I will resign. I can quit whenever I want to."²⁷² The committee then adjourned without

issuing a report.²⁷³

As these events unfolded, Hunt was preparing his next move behind the scenes. He decided to test the constitutionality of the recently adopted curbs on his pardon power. Therefore, on 25 February 1915, Hunt quietly granted an unconditional pardon to Knox Laird, a convict serving a ten-year term for manslaughter. Laird's trial judge and many others had recommended the pardon based on doubts about the conviction and a belief that Laird was a deserving person. Laird presented the pardon to Warden Sims, who refused to let Laird out of the penitentiary. Laird then filed a habeas corpus petition with Pinal County Superior Court Judge Otis J. Baughn. Hunt had his test case.²⁷⁴

The story finally broke on 3 March 1915, just before the pardon board met to consider clemency petitions presented by the five condemned men.²⁷⁵ As Hunt undoubtedly had expected, his court challenge to the legality of the restrictions on the governor's pardon power forced the pardon board to suspend its proceedings until the superior court could resolve the question. The board members said that they had no hard feelings against Hunt because of his maneuver, even though he had not consulted them about the Laird case in advance.²⁷⁶ They

agreed to meet on 15 March 1915, to consider what should be done about the five executions scheduled for 19 March 1915.²⁷⁷

After several delays and postponements,²⁷⁸ Superior Court Judge Baughn rendered his decision on 11 March 1915. He concluded that the people and the legislature could modify the governor's pardon power without the need for a constitutional amendment and that the office of the governor has no inherent, independent pardoning authority.²⁷⁹ The case was immediately appealed to the Arizona Supreme Court.²⁸⁰

On 15 March 1915, the pardons board recommended to Hunt that he grant a reprieve of no more than 30 days to the condemned men to allow the supreme court sufficient time to consider the Laird appeal.²⁸¹ Hunt went the board one better. On 18 March 1915, Hunt granted reprieves to the men until 28 May 1915. He said that the additional time would allow a full appellate consideration of the Laird case and give the executive branch an opportunity to act after the decision.²⁸² Of course, Hunt's act was another calculated attempt to stretch his reprieve authority and create a precedent for expansive gubernatorial power.

On 12 April 1915, in a two-to-one decision, the Arizona Supreme Court sustained the constitutionality of the state's new pardon board.²⁸³ The governor refused

any public comment on the decision or the status of the men on death row. As one newspaper perceptively commented, the supreme court's decision called into question the governor's extended reprieve in the face of only a one-month board recommendation.²⁸⁴

April 1915 turned out to be a very active month for the board of pardons and paroles. On 13 April 1915, acting on a recommendation by the board, Governor Hunt signed paroles for thirty-six prisoners who had worked on the state roads through the merit system.²⁸⁵ On 17 April 1915, the pardons board recommended two pardons. The first was for Louis Ghera, a Tucson saloonkeeper who intentionally violated the state's new prohibition statute to test its validity. The second one was for Knox Laird.²⁸⁶ The board also voted to recommend extension of the execution date for the five condemned men to Hunt's date of 28 May 1915.²⁸⁷ On 18 April 1915, the board voted to grant yet another pardon for a man who had illegally sold liquor wholesale.²⁸⁸ On 21 April 1915, Hunt concurred with the board's recommendations, granting pardons for the three minor offenders and validating the execution reprieve until 28 May 1915.²⁸⁹ As the pardons board prepared to settle the fate of the five men set to die in late May,²⁹⁰ it recommended four more men for parole.²⁹¹

On 13 May 1915, the pardons board voted to let the execution of the five men go forward as scheduled. They were all to hang on the same day, 28 May 1915.²⁹² Governor Hunt was bitterly disappointed, saying that he was saddened by the board's validation of senseless bloodshed and legalized murder.²⁹³ The response in the Arizona Legislature was mixed. The house sent the pardons board a memorial asking for reconsideration; the senate countered with a message praising the board's action.²⁹⁴ Several hundred of the residents of Ray, Arizona sent a united petition to the board lauding its resolute stand.²⁹⁵ Meanwhile, Warden Sims ordered a new hanging rope and supervised the digging of five graves.²⁹⁶

At this point, Arizona's march to the gallows was punctuated by an effort to block the Georgia execution of Leo M. Frank, who had been convicted on flimsy evidence of the murder of Mary Phagan. It appeared to many outside observers that the jury had found Frank guilty largely because he was a Jew. On 14 May 1915, the Arizona Legislature sent a memorial to Georgia Governor John Marshall Slaton asking him to commute Frank's sentence to life in prison.²⁹⁷ Hunt forwarded his own appeal in a separate letter.²⁹⁸ Although Governor Slaton ultimately commuted Frank's sentence, his clemency ended in tragedy. On 16 August 1915, an Atlanta mob abducted

Frank from prison and lynched him.²⁹⁹ Hunt condemned Frank's hanging as "an outrage against civilization."³⁰⁰ The Arizona Legislature's mercy appeal in the Frank case is curious. It seems incongruous that the Arizona Legislature would seek to block a death sentence in Georgia and still uphold Arizona's death penalty.

However, Hunt still had a few new tricks up his sleeve. He encouraged the condemned men's attorneys to file writs of habeas corpus with Federal District Court Judge William H. Sawtelle. That would at least result in a temporary stay of execution.³⁰¹ Meanwhile, although he later denied it, Hunt contacted Mexican officials and Secretary of State William Jennings Bryan, an old friend who had delivered a rousing speech at Hunt's inauguration on 14 February 1912.³⁰² Hunt apparently asked them to contact the Arizona Legislature and the pardons board and urge them to commute the death sentences or at least give reprieves to the five condemned men until the capital punishment question was finally settled in Arizona. Hunt's liaisons on the Mexican side were Dr. Albert Diaz Vuzcarra and Miguel Diaz Lombardo, assistants to Mexican revolutionary leader General Francisco (Pancho) Villa.³⁰³

Hunt launched his latest assault on 27 May 1915, the day before the scheduled executions. He forwarded to the legislature and the pardons board telegrams from Secretary of State Bryan, General Villa and Sonoran

Governor Jose M. Maytorena. The messages asked reprieves for the five condemned men, all of whom were Hispanic, because of a fear of reprisals against Americans in Mexico and the possible harmful effect of the executions on international relations.³⁰⁴ Both the senate and the house declined to put any pressure on the board of pardons.³⁰⁵

The board of pardons held an emergency meeting at the Florence State Prison on 28 May 1915. Although there was some resentment over the intervention of Secretary of State Bryan,³⁰⁶ the board ultimately decided to empower Hunt to grant a nine-week reprieve and fix separate execution dates for the five men.³⁰⁷ The pardons board also sent a message to William Jennings Bryan asking him to explain his reasoning and send to the board abstracts of any information he may have received from Hunt or others about the condemned men. Bryan never responded.³⁰⁸ Hunt set the execution date for all five men for 30 July 1915.

The board's reprieve decision was especially pleasing to La Liga Protectora Latina, a Hispanic organization that had lobbied on behalf of the condemned five.³⁰⁹ The group claimed an Arizona membership of over 12,000 persons, and would remain interested in the fate of these men.³¹⁰

To add a little spice to the boiling kettle, on 2 June 1915, two new executions were scheduled to take place at the state prison on 3 June 1915. The men were Ben Merriwether and Charles Dingley, Black troopers recently convicted in Cochise County Superior Court of a murder near Douglas.³¹¹ The men quickly filed appeals in superior court, indefinitely postponing their executions.³¹²

The scenario now shifted to the state legislature. On 3 June 1915, Representative Frank Pinkley (D), Pinal County, introduced House Bill No. 12. This measure provided for the abolition of the death penalty and the automatic imposition of a life term for anyone convicted of first degree murder. Moreover, no one convicted of murder could be recommended for pardon, commutation or parole by the board of pardons except upon newly discovered evidence establishing to the satisfaction of all board members that the prisoner was innocent of the crime for which he or she was convicted.³¹³ Pinkley's idea of abolition plus a guaranteed life sentence won widespread public support.³¹⁴ However, on 21 June 1915, the Pinkley Bill received insufficient votes to reach a third reading in the house. The vote was 12 for, 14 against, 5 absent and 5 excused.³¹⁵ Pinkley promised that he would push the measure through, but no further action was taken in that session.³¹⁶

Instead of trying to persuade a reluctant legislature to act, on 6 July 1915 opponents of the death penalty took out initiative petitions to place the abolition measure on the November 1916 general election ballot.³¹⁷ The proposed initiative measure was essentially identical to the Pinkley Bill, which is not surprising since the first petition came from residents of Pinal County, the home district of Representative Pinkley.³¹⁸ The petitions were undoubtedly filed so far in advance of the election to give an excuse for further reprieves of the five condemned men.³¹⁹

Meanwhile, time was again running out for the five men. On 13 July 1915, Ramon Villalobos' attorneys announced that they would file an appeal, even though the time limit was long past.³²⁰ They submitted the appeal on 16 July 1915, over six months late.³²¹ On 17 July 1915, Attorney General Wiley E. Jones moved to dismiss the appeal because it was patently untenable and unjustified.³²² However, because the state supreme court was on its summer recess, the appeal had the desired effect of postponing Villalobos' execution.³²³

Although Villalobos had gained a tenuous respite, the other four were in more immediate danger. On 21 July 1915, Governor Hunt announced that he would give up his plan to attend "Arizona Days" at the Panama-Pacific Exposition in San Francisco on 29 and 30 July 1915.

Instead, he planned to be in Florence on 30 July 1915 to give support to Warden Sims as he hanged the four men.³²⁴ Meanwhile, the petitioners were hard at work trying to gather enough signatures to place the abolition measure on the ballot.³²⁵ However, Eduardo Perez, Francisco Rodriguez, N. B. Chavez and Miguel Peralta were in need of more immediate legal assistance.

On 26 July 1915, the attorneys for the four men filed applications for habeas corpus in Pinal County Superior Court.³²⁶ The applications were based on technical defects in the form of their death warrants and on being twice before placed in immediate jeopardy of hanging.³²⁷ Since Pinal County Superior Court Judge Otis J. Baughn was on vacation, Governor Hunt was able to name his friend, Graham County Superior Court Judge Archibald G. McAlister, to hear the petitions.³²⁸ To add to the pressure on the pardons board, the collection of signatures rapidly continued and the new Secretary of State Robert Lansing telegraphed the pardon board on 28 July 1915, asking for postponement of the executions.³²⁹ The board declined to act absent some specific, concrete and new information.³³⁰

In the morning of 29 July 1915, Superior Court Judge McAlister denied the habeas corpus writs. A few hours later, after extended consultation with the attorneys for the four men, Judge McAlister realized that

he had made a serious procedural mistake. Denial of a habeas corpus writ was not immediately appealable. He therefore reconvened the hearing, vacated his initial ruling and allowed the prisoners' attorneys to file a motion to discharge the men from the custody of the prison warden. That motion was also denied, but that was an order that could be appealed at once. The attorneys immediately filed notice of appeal and paid the necessary bond.³³¹ The appeal would stay the executions for at least several months.

Also on 29 July 1915, the Arizona Secretary of State announced that enough signatures had been filed to place the abolition measure on the November 1916 ballot.³³² While some described this tangled situation as a "miserable fiasco,"³³³ it was also a tribute to Hunt's ingenuity and dogged persistence.³³⁴ There was some confusion as to exactly when the state supreme court would hear the appeals of the five condemned men.³³⁵ The formal papers were transmitted from the trial court to the supreme court on 9 August 1915,³³⁶ and the attorneys filed their extensive appellate briefs on 16 August 1915.³³⁷

While these appeals were pending, Hunt had an opportunity to present his views on capital punishment to a national audience. On 26 August 1915, Hunt delivered a lengthy and well-crafted speech on the death penalty at

the Governors' Conference in Boston.³³⁸ The title of the address was "The Abolition of Capital Punishment." Hunt had it printed and distributed in Arizona and elsewhere in booklet form.³³⁹

Hunt returned to a deteriorating situation in his home state. On 17 September 1915, the Arizona Supreme Court summarily dismissed the late appeal by Ramon Villalobos. The court also denied a motion to consolidate his appeal with the hearing on the four habeas corpus petitions. From here on, Villalobos' case would run on an independent track.³⁴⁰ Villalobos was subsequently resentenced by the superior court to hang on 10 December 1915.³⁴¹ In general, the state supreme court now appeared to be taking a more active role in moving the various death row inmates toward their executions. On 19 September 1915, the supreme court denied William W. Kermeen's appeal and fixed his execution date for 4 November 1915.³⁴² On 23 September 1915, the high court declined appeals by William Faltin, Atha M. Leonard and John Tomlin, and set their executions for 26 November 1915. The court also reset Kermeen's execution for 19 November 1915.³⁴³ The pardons board was now the last apparent hope for Villalobos, Kermeen, Faltin, Leonard and Tomlin.³⁴⁴

Amid rumors that he was losing support within his own party,³⁴⁵ a small group of Mesa voters began a very

vocal recall campaign against Hunt. They accused him of waste, extravagance and failing to implement the mandate of the courts.³⁴⁶ Although Hunt discounted the chances of the group and defended his policies,³⁴⁷ the unexpected sharpness of the attack may have convinced Hunt that he should mute his public opposition to carrying out the death sentences.³⁴⁸ In any event, the recall movement simply fizzled out.

On 12 November 1915, the pardons board finally decided what to do about the five men. The board commuted the death sentences of John Tomlin and Atha M. Leonard. They had only been 19 and 21 respectively when they committed murder on 12 November 1913.³⁴⁹ The board considered their relative youth and extenuating factors connected with the killing in reaching its decision.³⁵⁰ The board took no action on the cases of William Faltin and Ramon Villalobos, finding no legitimate excuse to block their executions.³⁵¹ However, based on a psychiatric evaluation by prison physician Dr. William G. Randall, the board recommended that William W. Kermeen be reprieved until 10 December 1915 to allow an opportunity to discover whether he was truly insane.³⁵² This was due to a provision in the penal code forbidding the execution of an insane person. Under Arizona law, an execution must be stayed until the insanity passes.³⁵³ This section of the penal code was based on a long tradition

that it simply was not fair to execute someone who was not in his or her right mind. Even today, no state in the Union permits the execution of the insane.³⁵⁴ On 18 November 1915, Hunt formally approved Kermeen's reprieve until 10 December 1915.³⁵⁵

Meanwhile, the 26 November 1915 execution date for William Faltin was quickly approaching. On 22 November 1915, the United States Supreme Court denied review of his appeal.³⁵⁶ By 24 November 1915, Faltin's case looked hopeless. The pardons board was utterly unpersuaded by allegations of perjury at his trial. In desperation, his attorneys issued a direct humanitarian appeal to the people of Arizona.³⁵⁷

Faltin's time had not yet come, however. On 25 November 1915, Warden Robert Sims arranged for two doctors to examine Faltin and prepare a "certificate of insanity."³⁵⁸ Attorney General Wiley E. Jones learned that something was going on at the prison and sent a letter to Warden Sims warning him that he would be held in contempt of court if he did not carry out the execution as planned.³⁵⁹ Sims decided to take the gamble. On 26 November 1915, he accepted affidavits from Dr. Otto E. Plath and Dr. William Randall stating that, in their opinion, Faltin was insane. Acting on this information, Sims refused to hang Faltin.³⁶⁰

While Sims had the right idea, he had not followed the statutory procedures. If he had doubts about the sanity of a person to be executed, the warden was supposed to notify the county attorney, who would be responsible to impanel a jury to determine the prisoner's sanity. Instead of following the rules, Sims had taken it upon himself to halt Faltin's death. A storm of protest crashed down on the warden.³⁶¹

Sims stood alone. Hunt wisely put some distance between himself and Sims, stating that the warden had acted on his own hook when he halted the execution.³⁶² Hunt's disclaimer sounded a little hollow in view of a letter the pardons board sent him on 27 November 1915 asking that he stop interfering with the implementation of the death penalty.³⁶³ The pardons board also censured Sims for his conduct and Attorney General Jones asked the state supreme court to hold him in contempt.³⁶⁴ On 27 November 1915, Arizona Supreme Court Justices Henry D. Ross and Alfred Franklin cited Sims for contempt and ordered him to appear in court on 2 December 1915 to explain why he should not be fined or imprisoned.³⁶⁵ The Phoenix Arizona Republican editorialized that the prison annals could be used to compile a manual entitled "How to Avoid Hanging Murderers."³⁶⁶ According to the latest round of rumors, Hunt was sure to be recalled³⁶⁷ and Sims would soon resign.³⁶⁸ Neither event occurred.

Sims appeared before the Arizona Supreme Court on 2 December 1915. The justices peppered him with a barrage of questions as Attorney General Wiley Jones argued for the imposition of sanctions. The court took the matter under advisement,³⁶⁹ and ultimately ruled that Sims had made a good faith mistake of judgment not warranting punishment.³⁷⁰ However, the justices warned Sims that he would not be so fortunate next time.

On 2 December 1915, Governor Hunt made what must have been a particularly painful, although politically essential, announcement. He stated that he would impose no more roadblocks to executions because it was clear that the time was not ripe for an end to capital punishment in Arizona. Hunt acknowledged that he had taken an active part in the fight, but denied that he had used improper tactics or solicited help from Secretary of State Bryan.³⁷¹ While saddened by the unnecessary deaths that were sure to come, Hunt hoped that they would encourage a speedy end to the death penalty.³⁷² From here on, at least, Hunt would no longer be the issue. Attention could now focus exclusively on the end of capital punishment.

Meanwhile, the execution process got back on track. On 3 December 1915, Faltin was resentenced to hang, this time on 7 January 1916.³⁷³ On 8 December 1915, the pardons board gave William Kermeen a reprieve until 7

January 1916.³⁷⁴ Also on 8 December 1915, Ramon Villalobos' attorneys made a final plea before the pardons board. Governor Hunt forwarded to the board a commutation request from Juan Amador, agent of the Carranza government in Mexico. The board of pardons refused to act and the Arizona Supreme Court declined to honor Villalobos' habeas corpus writ.³⁷⁵ The end appeared to be inescapable.³⁷⁶

On 10 December 1915, Ramon Villalobos became the first man legally executed by the Arizona government since Alejandro Gallegos was hanged on 28 July 1911.³⁷⁷ Governor Hunt had not succeeded in his effort to prevent all executions, but he had accomplished the amazing feat of stopping the death penalty for well over four years. He had also elevated the debate on the subject and established a framework for future change. Perhaps Villalobos' execution would be a necessary step in the end of capital punishment in Arizona.³⁷⁸

In any event, William Faltin and William Kermeen were next in line to ascend the gallows steps. On 14 December 1915, a Pinal County jury concluded that Kermeen was sane and should be executed on 7 January 1916.³⁷⁹ In making its determinations, the jury had the assistance of three physicians: Dr. Henry A. Hughes and Dr. Herbert K. Beauchamp, both former superintendents of the Arizona

Hospital for the Insane, and Dr. William Randall from the prison.³⁸⁰ In a surprise verdict, on 15 December 1915 the jury ruled that Faltin was insane.³⁸¹ Faltin was safe for the time being, and was subsequently transferred to the State Hospital for the Insane.³⁸² However, Kermeen was running out of time.

The pardons board met on 3 January 1916, but as expected, refused to recommend clemency for Kermeen.³⁸³ Suddenly, in a development that was suspiciously reminiscent of a Hunt idea, a stream of telegrams came in to the pardons board from friends and acquaintances of Kermeen describing his long history of mental problems. On 6 and 7 January 1916, messages arrived from Cochise County Sheriff Harry Wheeler, Nevada Governor Emmet D. Boyle and other people who knew Kermeen when he was a young man in Nevada.³⁸⁴ The pardons board and Governor Hunt concurred in giving Kermeen a reprieve to allow further consideration of his sanity. The reprieve, as usual, came on the scheduled date of his execution.³⁸⁵ In fact, this time Kermeen was standing on the trap with the noose tied around his neck when the board's telephone call came just 10 minutes before the trap was to be sprung.³⁸⁶ If Kermeen were not insane before 7 January 1916, the stress of that day probably went a long way to unhinging his faculties.

In February 1916, the board of pardons underwent a personnel change. Chairman Frank Trott resigned to accept the post of Arizona's Surveyor General.³⁸⁷ The two remaining board members selected Curtis S. Miller, a Tempe newspaperman, as their new chairman.³⁸⁸ Miller assumed his new post on 17 February 1916.³⁸⁹

On 8 March 1916, the board met to decide Kermeen's case, hearing emotional testimony from his mother.³⁹⁰ The board commuted Kermeen's sentence to life imprisonment on 9 March 1916, based on his obvious signs of insanity and on the numerous letter from Nevada officials and past acquaintances.³⁹¹ Kermeen's stay in the Arizona penitentiary turned out to be relatively short. He went to work in the prison laundry and contracted a virulent case of tuberculosis. By 1 September 1917, Kermeen had gone from 180 to 112 pounds. He asked the pardons board for a parole so he could die outside of prison.³⁹² On 5 September 1917, Kermeen was released into his mother's care.³⁹³ On 6 September 1917, Kermeen passed through Phoenix on his way to the family home in Las Vegas.³⁹⁴ When his condition worsened, Kermeen was admitted into a Phoenix sanitarium in December 1917, where he died on 31 January 1918.³⁹⁵

On 31 March 1916, the Arizona Supreme Court finally denied the habeas corpus petitions filed on 26 July 1915 on behalf of Francisco Rodriguez, N. B. Chavez, Miguel

Peralta and Eduardo Perez.³⁹⁶ The supreme court sent the cases back to superior court for resentencing.³⁹⁷ On 1 May 1916, Rodriguez was the first to be resentenced. His new death date was set for 19 May 1916.³⁹⁸

On 15 May 1916, a delegation from La Liga Protectora Latina asked the pardons board to reprieve all four of the condemned men and especially Rodriguez. La Liga's petition was seconded by Mexican Consul Ives G. Lelevier.³⁹⁹ Governor Hunt was convinced that Rodriguez would hang, but he was hopeful that the other three could be saved until the fall election, when the voters could decide what to do about the death penalty.⁴⁰⁰ On 17 May 1916, the board announced that it found no excuse or justification for not carrying out the sentence.⁴⁰¹ A last minute letter from Judge Edward Kent, the man who had presided over Rodriguez' trial, also failed to move the board.⁴⁰² The state hanged Francisco Rodriguez on 19 May 1916.⁴⁰³ There were now three men left.

In an unusually perceptive and frank editorial, on 21 May 1916 the Phoenix Arizona Republican noted that Arizona's "Spanish-Americans" felt that Hispanics had been unfairly singled out for executions. While there were 16 condemned men at Florence, only "Mexicans" had actually been hanged. Two "Americans" had avoided death on insanity grounds and the board had commuted the sentences of two other "Americans" to life

imprisonment.⁴⁰⁴ While admitting that Hunt wanted to prevent all hangings, they argued that more efforts had been made for "Americans."⁴⁰⁵

There was some merit to the argument that Hispanics had received discriminatory treatment. From 1910 to 1916, the Arizona authorities had only executed Hispanics.⁴⁰⁶ Moreover, from 1894 to 1923, Hispanics comprised over one-half of those executed.⁴⁰⁷ However, there is no evidence suggesting that the Hunt administration gave Hispanics lesser attention or assistance in the fight against the death penalty. On the contrary, Hunt strove to foster cordial relations with Mexico and exhibited genuine solicitude for Arizona's Hispanic population. Nor was Hunt a racist. For example, William Campbell, one of the "Americans" whose sentence Hunt had commuted, was Black. Whatever the cause of the disproportionate execution rate, Hunt's administration does not seem to be responsible.

On 24 May 1916, the Yavapai County Superior Court sentenced Peralta, Perez and Chavez to hang at Florence on 9 June 1916.⁴⁰⁸ Although there was not the same hubbub as occurred before the other two executions, on 7 June 1916, the board commuted the sentence of Eduardo Perez to life. It scheduled the hanging of N. B. Chavez for 9 June 1916 and the execution for Miguel Peralta on 7 July 1916. The board separated the executions of Chavez

and Peralta in order to avoid two executions on the same day.⁴⁰⁹ This suggestive comment also came from the board meeting:

It was also stated by a member of the board that it was emphatically understood that the commutation granted Perez was not in any way intended as a sop to the Mexicans of the state, but that he was granted his life solely on the merits of his case.⁴¹⁰

On 9 June 1916, N. B. Chavez became the third man executed by the Arizona government since statehood. Before his death, Chavez spoke for five minutes, wished Warden Sims "a thousand years of life" and ended with a prayer in Spanish.⁴¹¹ On 1 July 1916, the Arizona Supreme Court upheld the death sentence of Robert D. Talley, although no execution date was set.⁴¹² Finally, on 7 July 1916, Miguel Peralta was hanged. He at first objected to use of the black cap, saying he was ready to face death, but the usual custom was observed and he went to his end blindfolded.⁴¹³ Peralta was the last person legally executed in Arizona until the state hanged Simplicio Torres on 16 April 1920.⁴¹⁴

In the 1916 general election, capital punishment was not the burning issued it had been just two years before. The recent executions may have sobered up the public a little and the question had been placed on the ballot many months before.⁴¹⁵ Hunt continued to keep a

low profile on the subject. In any event, he had to contend with ill health,⁴¹⁶ a vigorous primary contest,⁴¹⁷ and an even more strenuous election struggle with Republican Thomas Campbell. Hunt was willing to let his past efforts percolate through the electorate in preference to stirring up unnecessary troubles.

The final man sentenced to hang before the general election was Robert Dayton Talley. On 14 September 1916, the scheduled date of his execution, the pardon board gave Talley a 90-day reprieve. Although the board gave out no official reason for its action, "it was generally understood that it was to give the people of the state an opportunity to vote on the abolishment of capital punishment in Arizona."⁴¹⁸ However, on 16 September 1916, board member Attorney General Wiley E. Jones denied that the board had any political motive for the Talley reprieve, insisting that new evidence had been presented suggesting Talley's innocence.⁴¹⁹

As far as the abolition question, the 1916 general election campaign was a strange contrast with 1914. The candidates avoided the issue and did not discuss it.⁴²⁰ The Republican platform attacked Hunt for his "disregard for law and its enforcement," but never mentioned the central issue of capital punishment.⁴²¹ It was as if the abolition measure were not even on the ballot.⁴²²

At the general election on 7 November 1916, the electorate apparently decided to implement Hunt's idea. The abolition measure squeaked by at the polls by a vote of 18,936 for and 18,784 against.⁴²³

It is uncertain why Arizona's electorate chose to end the death penalty. There had been three executions spaced one month apart over the summer in 1916. Perhaps those killings had generated some revulsion in the voters. Hunt had effectively transmitted his message in the hectic days of 1915 and then let his views sink in. His vision may have found a receptive audience at last. The heavy voter turnout indicated a higher level of interest than had been evident in 1914. The active voter participation may have helped Hunt's cause. Finally, the progressive program had worked fairly well for Arizona. Reclamation and highway projects had been successful and Arizona had finally attained statehood. Thanks to the European war and the resulting strong demand for Arizona's agricultural products and mineral wealth, the economy was booming. Enough voters may simply have been willing to give this latest progressive experiment a try.

CHAPTER V.

Reinstatement of the Death Penalty (1916-1918)

The Phoenix Arizona Republican emphasized the tentative nature of the electorate's decision in a pair of insightful editorials. The first article appeared on 27 November 1916, shortly after the slow vote count⁴²⁴ made it plain⁴²⁵ that the voters had abolished the death penalty:

There was no discussion of the bill except by those who were advocating its adoption. There was nowhere a voice raised against the abolition of the death penalty. While perhaps a large majority of the people were not really in favor of it, they were willing to give it a trial. The [Phoenix Arizona Republican] advised such a trial, but most, if not all other newspapers refrained from any allusion to the subject. The bill was allowed to become a law by default with a tacit understanding that if it did not work well, the death penalty would be restored.⁴²⁶

On 8 December 1916, Governor Hunt certified the election results, making the end of the death penalty official.⁴²⁷ That same day, the Phoenix Arizona Republican published its second, and more complete, analysis of the abolition vote:

A Law on Trial

Just about the time publicity was given to the fact that capital punishment had been abolished in this state a murder was committed in this county in the course of a bank robbery.⁴²⁸ The murderer was one of

a party of four Mexicans. Following closely upon the heels of this crime there was an outbreak of lawless Mexicans at Ray in which several men were only wounded though the shooting was done with homicidal intent.⁴²⁹ There may be no relation between these events and the publicity of the fact that capital punishment cannot be inflicted any longer in Arizona. But we suppose a majority of the people who have heard of these crimes have thought at the same time of the new anti-capital punishment law.

It should be borne in mind that the law is only on trial and that if it should be followed by an unusual number of murders the people will promptly restore capital punishment at the next election. The law was carried by a majority of only 152 with various societies and organizations working strenuously for it, and with the influence of the governor and his immediate following in its behalf. No word was spoken against it in the course of the campaign by any speaker. Newspapers were generally silent. The [Phoenix Arizona Republican] urged the adoption of the law as an experiment.

Many who voted for it did so with misgivings. Nine voters out of every ten would prefer the abolition of capital punishment if the same or better results could be produced. But they were apprehensive that conditions in this state did not admit of its abolition, that we have a class of criminals whom nothing less than the fear of death can deter. However, voters decided by a very small majority to give abolition a trial.

If now, with prohibition rigidly enforced, as we believe it will be, there should be an increase in the number of homicides within the next two years, there is no doubt that the

gallows would be re-erected in Arizona. We hope that this may not be deemed necessary and that the condition will be such as to give the voters no cause⁴³⁰ for regret for what they have done.

Although Hunt must have been pleased with the end of the death penalty, he was soon preoccupied with a problem closer to home. According to the early election returns, Republican Thomas Campbell was the state's new governor.⁴³¹ Hunt challenged the results in court.⁴³² However, since Campbell was the apparent winner, he was allowed to take office pending the outcome of the judicial review process.⁴³³ The Arizona Supreme Court finally concluded that Hunt was the real victor of the 1916 election,⁴³⁴ and he resumed the governorship on 25 December 1917.⁴³⁵

Meanwhile, to resume the story, the familiar name of William Faltin had ushered in the new year of 1917. On 31 December 1916, Faltin escaped from the insane asylum on a rope of knotted bed sheets.⁴³⁶ This event gave the Phoenix Arizona Republican an opportunity to remark on the catastrophic effect of the Faltin affair on Hunt's re-election:

It is said that the administration's part in the Faltin case and the insanity farce cost Governor Hunt not fewer than 1500 votes in this county last November.⁴³⁷

The authorities recaptured Faltin within a few days, but he was to make the news once more in 1917.⁴³⁸

As 1917 progressed, the newspapers seemed to be reporting an unusually high number of homicides,⁴³⁹ but there was no demand for reinstatement of the death penalty. That changed in early May 1917.

On 3 May 1917, Starr Daley murdered James Gibson near the Apache Trail and repeatedly raped Gibson's wife.⁴⁴⁰ After his arrest, Daley supposedly made the unwise statement that the state could not execute him for his crimes because capital punishment had been abolished.⁴⁴¹ On 6 May 1917, a mob abducted Daley as he was being transferred to another jail. Although these 20th Century vigilantes eventually lynched Daley, they lacked the frontier fire of bygone days. Daley showed the mob how to fashion and adjust his noose. His captors then tried to find some whiskey to ease his nervousness and finally recited the Lord's Prayer in unison before hoisting Daley to his fate.⁴⁴² Of course, Arizonans in general were out of practice because the last lynching took place in 1890.⁴⁴³ Supporters of reinstatement used the Daley tragedy as evidence both of the pernicious effect of abolition on the deterrence of crime and as proof that citizens would resort to illegal executions if they could not legally kill the most dangerous offenders.⁴⁴⁴ Newspapers began to tally murders and

serious crimes to show that abolition might not have been such a good idea.⁴⁴⁵

On 18 August 1918, William Faltin once again emerged in the public limelight. On that date, Dr. John R. Walls, Superintendent at the Arizona State Hospital for the Insane, concluded that Faltin was sane and returned him to the custody of the state prison authorities.⁴⁴⁶ Governor Thomas Campbell, who had issued a series of paroles, reprieves and pardons with the cooperation of the pardons board,⁴⁴⁷ seemed to think that board approval of executive clemency was automatic. He therefore stated that he would commute Faltin's sentence to life because the voters had expressed their wish that there be no more executions in Arizona.⁴⁴⁸ Campbell overlooked the restrictions on his independent pardon power and forgot the lingering resentment over Warden Sims' last-minute rescue of Faltin.

Attorney General Wiley E. Jones asserted that Faltin could and should be legally executed because his death sentence had only been interrupted, and not abrogated, by Faltin's temporary insanity.⁴⁴⁹ Campbell countered that he would commute the sentence anyway.⁴⁵⁰ However, the pardons board did not concur and Campbell simply let the matter lie.

In the end, it was Faltin who had the last laugh. His case was somehow overlooked for a decade. Although a death sentence always loomed over him, no one took any action to execute him. Faltin apparently ran out of patience in 1927. In that year, he persuaded two attorneys to obtain a writ of habeas corpus seeking his release from confinement. The theory was that Faltin's death sentence was a nullity because the Arizona voters had erased the death penalty law in 1916. The Arizona Supreme Court was unpersuaded by this strange theory, unanimously ruling that Faltin's sentence was still valid and should be implemented.⁴⁵¹ The United States Supreme Court turned down Faltin's subsequent appeal on 10 October 1927.⁴⁵²

On 31 March 1928, Maricopa County Superior Court Judge Marlin T. Phelps set Faltin's execution for 15 June 1928.⁴⁵³ On 14 June 1928, the pardons board granted Faltin a month's reprieve to allow his attorneys more time to seek commutation of his sentence.⁴⁵⁴ On 12 July 1928, the board recommended to Governor Hunt that he commute Faltin's sentence to life in prison:

We consider that his confinement has been a greater punishment than his execution, had it taken place when first fixed by the court. It is [the] board's impression that Faltin's execution at this date would not serve as an example and would be a shock to the sensibilities of good citizens.⁴⁵⁵

Hunt signed the commutation order the same day.⁴⁵⁶
 Faltin ended his days in the state penitentiary, dying at
 Florence on 15 January 1953 at the ripe old age of 79.⁴⁵⁷
 He had outlived Hunt, Sims and all the members of the
 first state pardons board.

Meanwhile, returning to the narrative, on 30 August
 1917, Maricopa County Sheriff William H. Wilky reported
 that there had been a record 13 murders in the county in
 the first eight months of 1917. He attributed this
 startling increase in homicides to the end of capital
 punishment:

"The increase of crime in this county
 I believe is due to the abolition of
 the death penalty," he declared.

"While I admit there are other
 ways in which reckless taking of life
 in the last few months can be
 accounted for, I am confident that
 the chief blame lies with the people
 who voted to do away with the right
 punishment for such crime."⁴⁵⁸

Governor Thomas Campbell expressed some of the
 growing mistrust of the abolition experiment in a speech
 he made at the Brotherhood of the First Methodist
 Episcopal Church on 7 December 1917.⁴⁵⁹ Campbell
 acknowledged that he had originally been in favor of
 ending capital punishment, but now was in opposition
 because of the sudden increase in murders. Although he
 said that abolition was a failure so far, Campbell
 surprisingly added that he was not ready to return to the

old system without giving abolition a further trial.⁴⁶⁰ Campbell's worry that abolition might be contributing to more murders received some confirmation from figures showing that 12 murderers had been sent to the penitentiary in 1917. This was a 100% increase over the number incarcerated there for murder for all of 1916.⁴⁶¹

It seemed that the experiment in abolition was failing. More proof came on 10 February 1918, when draft evaders Tom and John Power and parolee Tom Sisson murdered Graham County Sheriff Frank McBride and Deputies Mart Kempton and Kane Wootan at Rattlesnake Canyon in the Galiuro Mountains while resisting arrest.⁴⁶² The Power Affair, as it came to be called, was supposedly one more example of how the lack of the death deterrent had encouraged murder.⁴⁶³

The growing public perception that abolition of the death penalty had been a serious error finally provoked a legislative response. On 25 May 1918, Senator Hugh E. Campbell (D), Coconino County, introduced Senate Bill No. 10.⁴⁶⁴ The bill provided for submission of the death penalty question to the voters at the November 1918 general election. Senator Mulford Winsor (D), Yuma County, immediately objected to the bill because it was outside of the call of the special session.⁴⁶⁵ Under the Arizona Constitution, when the legislature convenes in special session it may only consider those matters

enumerated in the call to special session.⁴⁶⁶ When Governor Hunt issued the special session proclamation on 18 April 1918, he limited the session to a consideration of "war measures," the national prohibition and woman's suffrage amendments, reimbursement to Thomas E. Campbell for his services as Arizona's de facto governor in 1917, and a tax exemption bill for astronomical observatories.⁴⁶⁷ Capital punishment did not seem to fall within any of these subjects.

However, the matter was not resolved so easily. Senator Ernest Hall (R), Maricopa County, argued that Senate Bill No. 10 was a legitimate "war measure" because there had been 18 homicides in Maricopa County alone since the abolition of capital punishment in December 1916. Hall claimed that if murders kept up at that rate, "Arizona would soon have nobody to send to war."⁴⁶⁸ Senator H. B. Wilkinson (R), Maricopa County, suggested that the senate refer the bill to the judiciary committee for a determination whether it was a valid war measure within the call of the special session. The senate adopted the plan by a vote of 16 to 2, although judiciary committee member Senator Fred Sutter (D), Cochise County, said that referral was a waste of time since the bill was obviously outside the call of the session. Moreover,

although it appeared the bill would easily pass the legislature, there was considerable doubt the bill could survive Hunt's inevitable veto.⁴⁶⁹

On 27 May 1918, Senator Charles M. Roberts (D), Cochise County, introduced yet another measure seeking to reinstate capital punishment.⁴⁷⁰ This was Senate Joint Resolution No. 4, proposing amendment of the state constitution to allow the death penalty for first degree murder. The resolution had two advantages over a regular bill. First, a resolution did not require the governor's approval and was immune from a veto. Second, the preamble stated that the resolution was a "war measure" designed to deter the lessened respect for human life created by the war.⁴⁷¹ Of course, the measure was a patent effort to circumvent the constitutional rule on what the legislature could accomplish at a special session.⁴⁷²

The two reinstatement measures had a brief existence. On 28 May 1918, the attorney general issued an opinion stating that the legislature was confined to the consideration of matters actually mentioned in the governor's special session call.⁴⁷³ On that same day, the Senate Judiciary Committee reported that both Senate Bill No. 10 and Senate Joint Resolution No. 4 fell outside the ambit of the governor's call. Committee

Chairman Senator Charles H. Rutherford (D), Yavapai County, recommended the indefinite postponement of both propositions.⁴⁷⁴

The senate adopted the judiciary committee's recommendation on 29 May 1918. The members indefinitely postponed Senate Bill No. 10 by a vote of 14 to 4 and tabled Senate Joint Resolution No. 4 on a 17 to 1 vote.⁴⁷⁵ The senators decided to remain on the safe side and not act on measures outside the legislative call, especially in view of the attorney general's opinion. Further, the senators had learned that an initiative petition calling for the reinstatement of the death penalty was already circulating and would certainly be filed with an adequate number of signatures. Thus, there was no need for a legislative remedy to the problem.⁴⁷⁶

In early June 1918, the legislature's willingness to wait on popular action to reinstate the death penalty evaporated. On 7 June 1918, the authorities found the strangled and molested corpse of seven-year-old Jose Olizes in the desert near Chandler. The perpetrator appeared to be Vincente Gonzales.⁴⁷⁷ This heinous crime spurred legislative action, this time in the house of representatives.

On 8 June 1918, Representative Osmer D. Flake (D), Navajo County, submitted House Joint Resolution No. 6, which proposed restoration of the death penalty by

popular vote at the November 1918 general election.⁴⁷⁸ Although there were still concerns that this type of measure was outside the call of the session,⁴⁷⁹ on 11 June 1918 the house passed the resolution by a vote of 21 to 11, and sent it to the senate.⁴⁸⁰

The Senate Judiciary Committee refused to consider the Flake Resolution, and sent it straight to the senate with no recommendation.⁴⁸¹ On 13 June 1918, the senate reluctantly tabled House Joint Resolution No. 6 by a 16 to 1 vote.⁴⁸² A majority of senators wanted the reinstatement of capital punishment. However, they were worried about the constitutionality of approving measures plainly outside the call of the special session and anxious to avoid any conflict with the proposed initiative measure on the same subject. Once assured that the initiative would definitely be filed, the senators chose to do nothing to hamper its chances.⁴⁸³

The senate's assessment was accurate. On 20 June 1918, 4,000 petitions were filed with the secretary of state seeking repeal of the 1916 abolition measure and a return to the death penalty at the discretion of the jury in first degree murder cases.⁴⁸⁴ Reinstatement supporters surpassed the 5,850 signatures they needed on 1 July 1918, when they presented 2,000 more signatures to the secretary of state.⁴⁸⁵ By 3 July 1918, when the secretary of state officially certified that the

reinstatement initiative would definitely be on the November 1918 ballot, death penalty advocates had filed 7,552 signatures.⁴⁸⁶

The Phoenix Arizona Republican strongly supported the initiative measure calling for reinstatement of the death penalty. In a series of vigorous editorials beginning on 16 July 1918, the newspaper argued that abolition had been an unwise idea and an unmitigated disaster. Short excerpts from these editorials deserve quotation:

We think there can be a doubt in the mind of no man that the experiment has failed. There was never before in the history of Arizona such an orgy of homicide as that which has marked the last two years, beginning almost with the formal proclamation that capital punishment had been abolished . . .

The eagerness with which people have signed the petition for the restoration of capital punishment is indicative of the general sentiment that the⁴⁸⁷ experiment has been a failure.

* * * * *

The abolition of capital punishment in Arizona was a hopeless experiment, a concession to some otherwise sensible, well-meaning people, to whom the taking of human life was repugnant, and who believed it could be avoided. It was, though, a temporary victory for a mawkish element to whom the abolition of capital⁴⁸⁸ punishment was a "reform," a fad.

* * * * *

We all, of course, wish that the execution of human beings might be avoided. We agree with advocates of abolition that the worst use to which we can put a man is to hang him. But we have something more than the man to consider. Society is far more important than any individual member of it. Society must be protected against murderers by the strongest possible deterrent, and experience has taught us of Arizona twice,⁴⁸⁹ that the gallows is such a deterrent.

These editorials seem to reflect a general consensus in favor of reinstatement.⁴⁹⁰ However, not one of the candidates for governor even raised the issue. Because Governor Hunt declined to run in 1918, the Democratic primary turned into a lively contest between Fred T. Colter, Sidney P. Osborn and Fred T. Sutter.⁴⁹¹ Although the general election between Fred T. Colter and Thomas E. Campbell was also extremely spirited, return to the death penalty was also not a subject of debate. Instead, the two men argued about who most supported the war effort and who most despised the Industrial Workers of the World and other socialists, unionists, slackers and communists.⁴⁹²

Attention also centered on Colter's eligibility to run at all in the election, because he had been in the state senate when the legislature raised the salary for the office of the governor. Under the Arizona

Constitution, therefore, Colter was ineligible to become governor.⁴⁹³ Colter stayed in the contest anyway, and lost to Thomas Campbell by a narrow margin.⁴⁹⁴

Beside an acrimonious gubernatorial contest, the people of Arizona were undoubtedly distracted by the momentous events of the autumn of 1918. The world war was haltingly drawing to a close.⁴⁹⁵ The daring exploits of Arizona's flying ace Frank Luke, Jr., provided an additional distraction for the public.⁴⁹⁶ However, it was the epidemic of Spanish influenza which had the most dramatic impact on the 1918 Arizona general election. On 7 October 1918, the Phoenix City Commission closed all schools and theaters and banned all public meetings as a measure to stem the spread of the disease.⁴⁹⁷ Similar quarantine measures across the state effectively eliminated traditional campaigning and confined the election to the mails⁴⁹⁸ and to the pages of the newspapers.⁴⁹⁹ The flu had a more direct impact on gubernatorial candidate Fred T. Colter, who was briefly sidelined by the malady.⁵⁰⁰ At the very least, the onset and progress of the influenza epidemic diverted public attention from cool consideration of the death penalty issue to more pressing concerns of personal and general health and mortality.⁵⁰¹

On 5 November 1918, Arizona voters readopted the death penalty. The vote was a lopsided 20,443 to 10,602.⁵⁰² The outcome was even more skewed in Maricopa County, where the result was 6,671 to 1,761.⁵⁰³ The reinstatement took effect on 5 December 1918.⁵⁰⁴ A solid majority of the voters was apparently unconvinced that ending the death penalty had actually fulfilled the promise of more effective deterrence.⁵⁰⁵ Although there would be minor efforts at abolition in the future, Arizona would never again see wide-spread support for an end to the death penalty.

Subsequent statistics showed some justification for the popular belief that there had been an unusual number of murders during the abolition era:

Table 2.--Arizona Murders (1915-1920)⁵⁰⁶

Year	Number of Murders
1915	24
1916	23
1917	53
1918	24
1919	25
1920	35

While these figures may represent a statistical aberration, the sudden rise of homicides in 1917 alarmed

and concerned many people in Arizona. A logical explanation for the problem was the absence of the death penalty.

The Arizona experience of abolition followed by reinstatement within a relatively short time was not entirely unique. Of the nine states that abolished capital punishment between 1907 and 1917, five had reinstated the death penalty by 1920: Washington (1913-1919), Oregon (1914-1920), Tennessee (1915-1916), Arizona (1916-1918) and Missouri (1917-1919).⁵⁰⁷ At least one researcher has suggested that America's "changing mood" arising from entry into the First World War somehow created a conservative reaction to bring back the death penalty.⁵⁰⁸ Although that is a provocative theory, there is no tangible support for it.

The answer appears to be much more prosaic, and generally comports with the experience in Arizona. As noted by Professor Hugo Bedau:

What evidence there is suggests that allegations of a crime wave aroused segments of the press, the public and the legislature into virtually a hysterical demand for restoration of the death penalty. In almost every case, one or two particularly violent and revolting crimes caught the public's eye, arousing emotions that easily smothered a cooler appraisal of the relation between crime and punishment.⁵⁰⁹

Professor Bedau's theory requires some modification for Arizona. Hunt had persuaded the public to end the death penalty based on an absolute correlation between abolition and a lower crime rate. Events seemed to prove him wrong. A majority of the electorate apparently perceived that crime had not declined at all, and may have increased. The voters therefore reinstated the death penalty, not in a mood of hysteria or fear, but as refutation of an idea that had apparently failed.

CHAPTER VI.

Epilogue and Conclusion

On 14 March 1963, authorities at the Arizona State Prison in Florence conducted the last legal execution in Arizona. The death of Manuel Silvas did not elicit much comment. The newspapers buried the story in the back pages, if they reported it at all. No one could have predicted that his execution would be the last for over a quarter-century.⁵¹⁰

The history of capital punishment in Arizona after 1963 is the story of federal judicial intervention and state legislative response. The attorneys representing defendants sentenced to death in this era were no more concerned, energetic or capable than their counterparts in earlier decades. However, a change in federal court personnel and a more activist federal judicial philosophy combined to block and delay state imposition of the death penalty.

By the mid-1960's, it was evident that the United States Supreme Court was searching for an appropriate case to strike down the death penalty across the nation. As a result, Arizona authorities delayed all death sentences until the highest national court could finally settle the issue.⁵¹¹ The United States Supreme Court finally voided the state death penalty laws in the 1972 decision of Furman v. Georgia.⁵¹²

The Furman case held that current state death penalty laws violated the prohibition against cruel and unusual punishment and denied defendants due process because they gave inadequate statutory guidelines to sentencing authorities on when they should impose a death sentence. Although the decision was not very specific on what laws would pass constitutional muster, the idea was to insure that the sentencer (whether jury or judge) would consider all relevant mitigating and aggravating factors before giving the death penalty.⁵¹³

Encouraged by continuing majority support in Arizona for the death penalty,⁵¹⁴ the Arizona Legislature enacted a revised death penalty law in 1973.⁵¹⁵ The new law made two significant changes. First, it took the sentencing power away from the jury and entrusted it to the trial judge. From here on, the jury would decide the question of guilt or innocence and the judge would determine whether death was a appropriate punishment. Second, the law required the sentencing judge to consider a short list of mitigating factors such as the defendant's capacity, his level of criminal participation, the foreseeability of harm from the criminal conduct and the presence of unusual or substantial duress.⁵¹⁶ In 1976, the Arizona Supreme Court upheld the constitutionality of this law.⁵¹⁷

The federal judiciary had a different view on the matter. In 1978, Arizona Federal District Court Judge Carl Muecke held Arizona's death penalty statute unconstitutional because it unduly restricted the consideration of mitigating factors.⁵¹⁸ The Arizona Legislature quickly amended the death penalty law to allow full consideration of all pertinent mitigating and aggravating circumstances.⁵¹⁹ This time, both the federal and the state courts approved the new statutory scheme.⁵²⁰ Although the legislature and courts modified, corrected and refined Arizona's death penalty law in later years, the statute has continued in force from 1978 to the present.⁵²¹

There are now at least 82 men on Arizona's death row who have been sentenced to die under the latest Arizona death statute.⁵²² Because of appellate delays, it is unlikely there will be any executions for several more years. The number scheduled to die amounts to over 50% of the 160 people executed in over a century of active capital punishment. It is uncertain whether a large number of executions grouped close together will cause the Arizona electorate to reconsider the justifications for the death penalty and abolish the death sanction once again.

The Arizona experience with executions vividly highlights several of the most crucial issues of community existence. Rightly or wrongly, most Arizonans apparently believed that legal capital punishment furthered the goals of specific deterrence, general deterrence, vengeance and atonement. Due to his unceasing efforts, Governor George W. P. Hunt almost single-handedly shook that belief in 1916. However, his victory was fleeting. Majoritarian approval of the death penalty was ascendant again less than two years later, based mainly on a general perception that the lack of a capital deterrent had directly resulted in an increase in murders. The validity of that perception is questionable, but it was sufficient in itself to bring reinstatement of capital punishment.

In a similar fashion, the deep-seated and widely-accepted belief in the efficacy of illegal executions fully justified the most blatant lynchings. When the people of Arizona perceived that such affairs were unnecessary, they stopped. In some measure, the reality may have been unchanged, but a shift in ideas and perceptions halted the practice of illegal executions. Arizonans may not have always lived up to the highest ideals, but they did implement their ideas.

Racial discrimination may be one of the more unfortunate ideas revealed in this study. It is clear that a disproportionate number of Blacks and Chinese were executed. The same may be true of Hispanics. However, what is uncertain is the significance of these facts. In a statistical sense, the total number of executions was a relatively small 160.⁵²³ Extrapolation from such a small group to reach a reliable correlation with overall racial and ethnic population statistics is an inherently suspect exercise. With that caution in mind, however, it does appear that the death penalty in Arizona has been imposed on Blacks, Chinese and Hispanics in a discriminatory fashion.

Finally, this survey may help to dispel one of the most persistent legends of the wild and wooly West. In a century of active capital punishment in Arizona, only 160 people were executed, and of those only 49 were illegally executed. Lynchings were notable because of their relative rarity, and even legal executions were normally spaced months or years apart. Moreover, almost every execution was specific punishment for a murder or attempted murder. Apparently only a handful were for rustling, and all of those were illegal proceedings. This is not to say that Arizona was not, at times, a very violent place. It was. However, there was no regular, routine pattern of community violence against criminals

or "undesirable" people. The legend of societal outrage automatically culminating in a hanging is largely a fabrication of pulp novels, popular history and cinematic fancy.

Notes

¹ The account of Ewing's fate comes from "The Murder in Arizona City," Prescott Arizona Miner, 25 April 1866, 3.

² Ibid. See also "Yuma County," Yuma Arizona Sentinel, 10 November 1877, 1 (later account of this proceeding).

³ "From the Arizona Sentinel," Prescott Weekly Arizona Miner, 17 May 1873, 2.

⁴ See "Yuma," Tucson Weekly Arizona Citizen, 10 May 1873, 2.

⁵ This study takes no position on the substantive merits of capital punishment. For an interesting discussion on that topic, see the four-part series in the Arizona Daily Star: M. R. Williams, "Should the State Kill?," Tucson Arizona Daily Star, 13 April 1971, B-18; M. R. Williams, "An Eye for an Eye?," Tucson Arizona Daily Star, 14 April 1971, B-21; M. R. Williams, "Is Death a Deterrent?," Tucson Arizona Daily Star, 15 April 1971, D-16; M. R. Williams, "From Pigs to Persons," Tucson Arizona Daily Star, 16 April 1971, D-10. See also Hugo Adam Bedau, "The Death Penalty: Social Policy and Social Justice," Arizona State Law Journal (1977): 767-795.

⁶ However, for all their faults and biases, territorial and early statehood newspapers are often the only contemporary source. Although their titles and publishers changed with dizzying speed, many issues have at least survived, unlike the official records. The best resource in this area continues to be Estelle Lutrell, "Newspapers and Periodicals of Arizona, 1859-1911," University of Arizona Bulletin 20 (July 1949): 1-123 (covering most newspapers into the early statehood years as well).

⁷ Howell Code secs. 17, 21 (1864). See also Comp. Laws Terr. Ariz. secs., 17, 21 (1871) (same).

⁸ See Comp. Laws Terr. Ariz., sec. 21 (1977). See also Rev. Stat. Ariz., secs. 53, 278 (1887) (death penalty for first-degree murder and treason).

⁹ 1889 Ariz. Sess. Laws, Act No. 2 at 20-21.

- 10 Rev. Stat. Ariz., Penal Code sec. 220 (1913).
- 11 See generally Appendices A and B.
- 12 See Appendix A, Nos. 1-4, 6-13, 15, 17-22, 24-29, 32-36, 41-49, 53, 60-61, 63-64, 67-69, 75, 104.
- 13 See Benjamin Sacks, BE IT ENACTED: The Creation of the Territory of Arizona (Phoenix: Arizona Historical Foundation, 1964).
- 14 Appendices A and B provide some details concerning each execution. This study focuses on how Arizona law and public opinion shaped the contours of capital punishment from 1863 to 1963. During this period, federal authorities hanged 9 criminals. Although there is no separate examination of federal law, the forces of public approval and consent were the same, because juries in the federal cases were drawn from people who lived and worked within Arizona. They were therefore subject to and supportive of the same justifications generally used by Arizonans to uphold the death penalty.
- 15 See Appendix A, No. 104.
- 16 Appendix A, No. 160.
- 17 Appendix A, No. 122. See also "Mrs. Dugan Dies Game," Los Angeles Times, 22 February 1930, 1,2; "Mother Hanged and Buried in Arizona Prison," Chicago Daily Tribune, 22 February 1930, 17; "Arizona Executes Woman Slayer," Atlanta Constitution, 22 February 1930, 5; "Woman Hanged in Arizona," New York Times, 22 February 1930, 16.
- 18 "Letter from Tucson," Prescott Weekly Arizona Miner, 24 October 1868, 2.
- 19 "A Woman Sentenced To Be Hung," Prescott Weekly Arizona Miner, 16 January 1869, 2.
- 20 "Pima County Matters," Prescott Weekly Arizona Miner, 10 April 1869, 2.
- 21 See, e.g., James Horan, Desperate Women (New York: Putman, 1952), "Pearl Hart: The Last Lady Road Agent," 287-304.
- 22 See J. Dwight Dobkins, Winnie Ruth Judd: The Trunk Murders (New York: Grosset & Dunlap, 1973). See
(footnote continued)

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 also Judd v. State, 41 Ariz. 176, 16 P.2d 720 (1932) (an excellent, concise account of Judd's crime, apprehension and trial).

23 This seems to be the consensus of all the commentators who followed the Dugan trial, sentencing and execution. A three-part series in the Phoenix Arizona Republic gives a good introduction to Dugan's career and "negative" personality. Lowell Parker, "Eva's Track Record With Mates Was, To Say The Least, Bad," Phoenix Arizona Republic, 22 March 1976, A-6; Lowell Parker, "It's One Thing to Suspect Murder, But You Do Need A Body," Phoenix Arizona Republic, 23 March 1976, A-6; Lowell Parker, "Eva's Macabre Demise, Ended Death By Hanging in Arizona," Phoenix Arizona Republic, 24 March 1976, A-6.

24 Appendix C provides an ethnic breakdown of Arizona executions by decade from 1863-1963. The ethnicity of those executed was determined from court records and newspaper accounts. Until the mid-20th Century, Arizona newspapers were quite frank in their descriptions of the race of persons suffering execution. See, e.g., "Hang First White Man at Florence Prison on Friday," Phoenix Arizona Republican, 28 September 1922, 2; "Three Chinamen," Globe Arizona Silver Belt, 5 January 1884, 3; "Good Indians," Florence Arizona Enterprise, 7 December 1889, 3; "Mexican is Hanged for Murder," Phoenix Arizona Gazette, 14 January 1921, 1; "Colored Slayer Gives Life for Murder of Phoenix Man," Phoenix Arizona Republic, 6 January 1945, 1. The only person whose ethnicity presents a problem is Nichan Martin, an Armenian. See Appendix A, No. 107. At the time of his execution in 1921, an Armenian was not normally designated as Anglo or Caucasian. For the purposes of this study, Martin will be designated a Caucasian or Anglo. There is a certain amount of poetic justice in this, since the Caucasus mountain range passes through Armenia.

A fundamental problem is defining the five basic ethnic groups whose members were executed over the years in Arizona. "Anglos" are Caucasians of non-Hispanic extraction. "Hispanics" are those people whose speech, culture and heritage derive from Spain, or more immediately, from Mexico. "Blacks" are those persons belonging to or stemming from the negro race. "American Indians" or "Indians" are those people who are members of the aboriginal peoples of the Western Hemisphere. "Chinese" refers to the natives or inhabitants of China

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and their descendants.

Of course, these definitions can only be general approximations. Naturally enough, people have a tendency to mingle over time. Racial or ethnic identity becomes blurred as decades and centuries pass. However, these rough categories can at least provide some foundation for determining whether people of specific ethnic groups have been disproportionately singled out for capital punishment in Arizona.

²⁵ See generally James M. Murphy, Laws, Courts, and Lawyers Through the Years in Arizona (Tucson: University of Arizona Press, 1970).

²⁶ Appendix A, No. 6.

²⁷ Appendix A, No. 75.

²⁸ The following discussion relies on the information tabulated in Appendices C and D.

²⁹ The figures for Tucson are taken from Thomas E. Sheridan, Los Tucsonenses: The Mexican Community in Tucson, 1854-1941 (Tucson: University of Arizona Press, 1986), 3.

³⁰ See Appendix C.

³¹ See Appendix D.

³² See Appendix C.

³³ See Appendix C.

³⁴ See Appendix D.

³⁵ See McCleskey v. Kemp, _____ U.S. _____, 107 S. Ct. 1756 (1987) (statistical study indicating a discrepancy in the imposition of death sentences between black and white defendants did not prove a racial bias or discriminatory purpose violative of either the "equal protection" or "cruel and unusual" clauses of the United States Constitution).

³⁶ See generally Appendix E.

³⁷ Howell Code sec. 449 (1864). See generally, John Goff, "William T. Howell and the Howell Code of Arizona," American Journal of Legal History 11 (1967):221-233.

38 See, e.g., John Laurence, A History of Capital Punishment (New York: Citadel Press, 1960), 41.

39 Howell Code sec. 435 (1864).

40 See Comp. Laws Terr. Ariz. secs. 432-49 (1871) (execution statutes); Comp. Laws Terr. Ariz. secs. 432-49 (1877) (same).

41 Appendix A, Nos. 54-58. See also James E. Cook, "Bisbee hangings were 'a great satisfaction' for letter writer," Phoenix Arizona Republic, 19 May 1988, F-2.

42 The account of Dilda's execution is taken from "Dennis W. Dilda: The Murderer of Deputy Sheriff Murphy Publicly Executed Today," Prescott Arizona Weekly Journal-Miner, 10 February 1886, 1 and John J. Hawkins, "Reminiscences: The Story of the Last Public Hanging in Yavapai County," Will C. Barnes Collection, Arizona Heritage Center, Tucson, Arizona.

43 Rev. Stat. Ariz. sec. 1849 (1887).

44 See Rev. Stat. Ariz. Terr. sec. 1036 (1901).

45 See "Historic Cases are Cradled in Navajo Superior Court," Phoenix Arizona Weekly Gazette, 7 April 1949, 4; "Hanging's Invitations Caused Frontier Furor," Phoenix Arizona Republic, 3 August 1952, 5-1; William B. Secrest, "Nobody Laughed When Smiley Died," True West 15 (October 1967): 24-25, 68-69, 72.

46 See "Two Murder Cases," Phoenix Arizona Republican, 17 November 1899, 8; "A Shooting Scrape," Winslow Mail, 1 April 1899, 4.

47 "A Brutal Murder," Holbrook Argus, 1 April 1899, 5.

48 "George Smiley," Flagstaff Weekly Gem, 12 October 1899, 5.

49 "Court Proceedings," Holbrook Argus, 14 October 1899, 5; "Smiley," Winslow Mail, 19 October 1899, 4. See also "Tomorrow," Flagstaff Weekly Gem, 7 December 1899, 4.

50 See, e.g., "The Rope for Smiley," Albuquerque Daily Citizen, 13 November 1899, 3 (ordering a special hanging rope).

51 "Smiley's Respite," Holbrook Argus, 16 December 1899, 5. See also "That Reprieve," Winslow Mail, 14 December 1899, 1 (the invitation was merely "a bit of pleasantry intended solely for a few personal friends, uttered with no thought of its gaining publicity").

52 "A Wierd [sic] Invitation," Holbrook Argus, 11 November 1899, 5.

53 Ibid.; See also "George Smiley," Yuma Arizona Sentinel, 2 December 1899, 1; "A Cheerful Hanging," Tempe News, 25 November 1899, 3.

54 "A Novel Plan," Tombstone Prospector, 13 November 1899, 4.

55 The Cleveland Press apparently suggested that Sheriff Wattron should "edit the funny column of a newspaper." Albuquerque Daily Citizen, 14 November 1899, 2.

56 "Smiley's Respite," Holbrook Argus, 16 December 1899, 5.

57 "Respite for a Murderer: Occasioned by the Ghastly Jocularly of Sheriff Wattron," Phoenix Arizona Republican, 8 December 1899, 4. See also "State Making a Great Meeting," Phoenix Arizona Gazette, 9 December 1899, 1 (concentrated push for statehood).

58 See, e.g., "A Murderer Reprieved," Prescott Arizona Weekly Journal-Miner, 13 December 1899, 2 (sheriff's invitation will create an unfavorable impression in the east). There is a persistent rumor that President William McKinley wrote to Governor Murphy and expressed outrage over the incident. See, e.g., Don Deder, "Matter of Protocol Strange to Sheriff," Phoenix Arizona Republic, 22 January 1963, 22. There is no record of any communication to Murphy from McKinley on the subject. Library of Congress, Index to the William McKinley Papers (Washington, D.C.: Library of Congress, 1963), 314.

59 See, e.g., "Respite for a Murderer: Occasioned by the Ghastly Jocularly of Sheriff Wattron," Phoenix Arizona Republican, 8 December 1899, 4.

60 "A Disgraceful Affair," Phoenix Arizona Gazette, 8 December 1899, 1.

61 See, e.g., "Smiley's Respite," Holbrook Argus, 16 December 1899, 5.

62 See, e.g., "The Term," Flagstaff Coconino Sun, 6 January 1900, 14; "Smiley Hangs Today," Phoenix Arizona Republican, 8 January 1900, 5.

63 "Revised Edition of Sheriff Wattron's Invitation to a Hanging," Tombstone Prospector, 12 January 1900, 4. As the Phoenix Arizona Republican took pains to note, the revised invitation was a "sarcastic" dig at Governor Murphy. "Revised Edition," Phoenix Arizona Republican, 10 January 1900, 5.

64 See, e.g. "Hanging of Smiley," Phoenix Arizona Republican, 9 January 1900, 1; "Passed Out the Murderer," Phoenix Arizona Gazette, 9 January 1900, 1; "Murderer Smiley Executed," Prescott Arizona Weekly Journal-Miner, 10 January 1900, 1.

65 "George Smiley Executed," Holbrook Argus, 13 January 1900, 5.

66 Smiley was "to all appearances the calmest and most collected person present." "A Legal Execution," Winslow Mail, 11 January 1900, 4.

67 "Smiley Hanged," Flagstaff Coconino Sun, 13 January 1900, 1.

68 1909 Ariz. Sess. Laws, ch. 28, para. 1035, sec. 1. See also Rev. Stat. Ariz., Penal Code sec. 1149 (1913); Rev. Code Ariz. sec. 5130 (1928).

69 See Appendix A, Nos. 93-103, 105-124.

70 See Appendix A, Nos. 23 and 78.

71 See Appendix A, Nos. 38-40, 98-99, 115 and 131.

72 Appendix A, No. 131. See also Douglas D. Martin, "An Apache's Epitaph: The Last Legal Hanging in Arizona-1936," Arizona and the West (Winter 1963): 352-60.

73 See Appendix A, No. 85.

74 See Appendix A, Nos. 93-95. See also "'Legal Execution' Described by a Condemned Prisoner," Phoenix Arizona Gazette, 20 October 1914, 7 (good description of hanging procedures at Florence).

75 See generally, Ed Coonfield, "The Fine Art of Hanging," Real West (Dec. 1986): 26-29. Probably the (footnote continued)

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 best, and certainly the most interesting, authority on
 this subject is Charles Duff, A Handbook on Hanging:
 Being a short Introduction to the fine Art of Execution,
 containing much useful Information on Neck-breaking,
 Throttling, Strangling, Asphyxiation, Decapitation and
 Electrocution; Data and Wrinkles on Hangmanship; with the
 late Mr. Hangman Berry's Method and his pioneering List
 of Drops; to which is added an Account of the Great
 Nuremberg Hangings; a Ready Reckoner for Hangmen; and
 many other items of interest including the Anatomy of
 Murder (Wakefield, England: EP Publishing Limited,
 1974).

- 76 Appendix A, No. 131.
- 77 Appendix A. No. 122.
- 78 Appendix A, Nos. 2, 4, 18-21, 63-64.
- 79 Appendix A, No. 6.
- 80 Appendix A, Nos. 63-64.
- 81 Ibid.
- 82 See Appendix, A, No. 1.
- 83 See Appendix A, Nos. 67-69.
- 84 See Appendix A, Nos. 46-47.
- 85 See Appendix A. No. 53.
- 86 See Appendix A, No. 7.
- 87 See Appendix A, Nos. 8-11.
- 88 "Judge Lynch," Prescott Weekly Arizona Miner, 30
 December 1881, p.3.
- 89 See Appendix A, Nos. 53, 67-69.
- 90 See Appendix A, Nos. 28-29.
- 91 Appendix A, No. 104.
- 92 Appendix A, No. 122.
- 93 Ibid.

94 1931 Ariz. Sess. Laws, Message of the Governor, xxxviii.

95 This was House Bill No. 134, introduced by Representative Bridgie M. Porter (D), Maricopa County. Journal House 204 (1931). The bill passed the house on 4 March 1931. Id. at 690. The senate passed the measure on 14 March 1931. Journal Senate 859 (1931).

96 Under Ariz. Const. art 4, pt. 1, sec. 1(6) (1910), the legislature may not amend or repeal any initiative measures duly approved by the voters. The method of execution by hanging had been approved by initiative in 1918. The governor had no choice but to veto the bill. See also, "Hunt Vetoes Bill to Use Lethal Gas," Tucson Daily Citizen, 20 March 1931, 1.

97 Journal House 902 (1931); "Hunt Vetoes Lethal Gas Bill," Phoenix Arizona Republic, 21 March 1931, 1.

98 This was House Joint Resolution No. 4, submitted once again by Representative Porter. Journal House 219 (1933).

99 Journal House 902 (1933).

100 1935 Ariz. Sess. Laws, Initiative and Referendum Measures, 586.

101 The proclamation was signed by Governor Benjamin B. Moeur. Id.

102 Appendix, A, No. 131.

103 See Act of 9 June 1937, ch. 367, 50 Stat. 304 (formerly 18 U.S.C. sec. 542), now codified at, 18 U.S.C. sec. 3566 (1982).

104 Appendix A, Nos. 125-130, 132-160.

105 See e.g., "Lethal Gas Which Replaces Rope in Arizona Makes Execution Painless," Tucson Daily Citizen, 18 March 1931, 4; Wade Cavanaugh, "Capital Punishment: Issue In Conflict," Tucson Arizona Daily Star, 18 April 1971, C-1 to C-2; "Chamber Deemed Humane," Tucson Citizen, 14 March 1988, 6A.

106 Appendix A, Nos. 125, 160.

107 See generally Appendices A and B.

108 See, e.g., John P. Conrad, "The State as Killer," American Bar Foundation Research Journal 1983 (Spring 1983): 451-464. See also, "Is Penalty Deterrent?," Tucson Citizen, 14 March 1988, pp. 6A-7A.

109 The law was approved 28 February 1889. See 1889 Ariz. Sess. Laws, Act No. 2 at 20-21, later codified at Rev. Stat. Ariz. Terr., Penal Code sec. 395 (1901) (punishment reduced to at least 10 years in the territorial prison). But see, Rev. Stat. Ariz., Penal Code sec. 438 (1913) (punishment raised to death or 10-year term in prison at discretion of jury or, if there is a guilty plea, at discretion of the judge). See also Rev. Code Ariz. sec. 4732 (1928); Ariz. Code Ann. sec. 43-4811 (1939).

110 "Death Penalty for Train Robbing," Prescott Arizona Weekly Journal-Miner, 17 April 1889, 4.

111 See generally, Dale L. Walker, Buckey O'Neill: The Story of a Rough Rider (Tucson: University of Arizona Press, 1975), 69-73.

112 "The Train Robbers," Prescott Arizona Weekly Journal-Miner, 31 July 1889, 1.

113 Id. See also, "Sheriff W. O. O'Neill," Prescott Arizona Weekly Journal-Miner, 24 July 1889, 4.

114 "Why the Robbers Failed to Rob the Train," Prescott Arizona Weekly Journal-Miner, 21 August 1889, 2.

115 "Arizona Justice," Phoenix Arizona Gazette, 14 February 1884, 2; "Murders," Prescott Arizona Weekly Journal-Miner, 24 December 1890, 2. See also "Why Men are Hanged," Phoenix Arizona Republican, 23 June 1902, 2; "Hangmen Too Idle," Phoenix Arizona Republican, 14 July 1902, 2; "A Needful Demonstration," Phoenix Arizona Republican, 11 May 1911, 2.

116 See, e.g., "Groce Paid Penalty for Wife Murder," Tucson Citizen, 17 July 1908, 8.

117 See, e.g., "Atonement for Crime," Phoenix Arizona Republican, 3 December 1910, 1; "Mexican Murderer Expiates His Crime on Prisoner Scaffold," Phoenix Arizona Republican, 15 January 1921, 2-1.

118 See, e.g., "Knight Goes to His End Smiling," Phoenix Gazette, 3 September 1937, 1,6; "Paul Hadley Makes Good Promise to Die as Man," Phoenix Arizona (footnote continued)

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Republican, 14 April 1923, 1; "Chacon Died Gamely
 Protesting Innocence," Phoenix Arizona Republican, 22
 November 1902, 1,3.

119 See Appendix A, Nos. 48 and 67-69.

120 See Appendix A, No. 35.

121 See Appendix A, No. 5.

122 "Stay of Execution Asked," Prescott Weekly
 Arizona Miner, 16 December 1871, 2.

123 "Arizona City," Prescott Weekly Arizona Miner,
 23 December 1871, 2.

124 "Gertrude," Prescott Weekly Arizona Miner, 13
 January 1872, 2.

125 "Supreme Court Adjourned for the Term-Decisions
 Rendered," Prescott Weekly Arizona Miner, 10 February
 1872, 2. See also Territory v. Gertrude, 1 Ariz. 74
 (1872).

126 "Gertrude," Prescott Weekly Arizona Miner, 2
 March 1872, 2.

127 Ibid.

128 "Yuma County," Prescott Weekly Arizona Miner, 6
 April 1872, 4.

129 "From Yuma County: Gertrude Discharged,"
Prescott Weekly Arizona Miner, 21 December 1872, 2.

130 See also Territory v. Dorman, 1 Ariz. 56 (1872)
 (death sentence overturned for failure of trial court to
 give written jury charge); Territory v. John Do (Que Cha
 Ca), 1 Ariz. 507 (1872) (same).

131 See, e.g., "Yuma County Items," Prescott Weekly
 Arizona Miner, 11 January 1873, 2 (escape and recapture
 of murderer awaiting retrial).

132 See, e.g., "Broke Jail," Prescott Weekly Arizona
 Miner, 1 September 1876, 3; "Escape of Two Jail Birds,"
Prescott Weekly Arizona Miner, 16 February 1877, 4; "Jail
 Delivery-Escape of Four Prisoners," Prescott Weekly
 Arizona Miner, 17 January 1879, 4; "Desperate Jail
 Break," Prescott Arizona Weekly Journal-Miner, 12 May
 (footnote continued)

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1897, 1; "Yuma Jail Break," Phoenix Arizona Republican, 4
November 1901, 1.

133 Howell Code sec. 21 (1864). See also Comp. Laws
Terr. Ariz. sec. 21 (1871).

134 "The Death Penalty - Jurors, etc.," Prescott
Weekly Arizona Miner, 14 December 1872, 1.

135 Woodson v. North Carolina, 428 U.S. 280, 293, 96
S. Ct. 2978, 2986 (1976).

136 1873 Ariz. Sess. Laws 23-24. See also Comp.
Laws Terr. Ariz. sec. 21 (1877).

137 See "The Law," Prescott Weekly Arizona Miner, 12
June 1886, 2 (editorial complaining about the "maudlin
sympathy" of courts and juries).

138 "Summary Proceeding," Prescott Weekly Arizona
Miner, 16 September 1871, 3.

139 Frederick Jackson Turner, The Frontier in
American History (New York: Holt, Rinehart, and Winston,
1947; reprint, Tucson: University of Arizona Press,
1986), 212 (page reference to reprint edition). See
also, Wayne Gard, Frontier Justice (Norman: University
of Oklahoma Press, 1949) (general overview of rough
character of frontier justice).

140 See, e.g., "Pardons and Commutations," Prescott
Weekly Arizona Miner, 4 February 1881, 1; "Promiscuous
Pardons," Prescott Arizona Weekly Journal-Miner, 18 May
1892, 2.

141 See, e.g., "The Law," Prescott Weekly Arizona
Miner, 12 June 1886, 2.

142 See, e.g., 1883 Assembly Journals, Message of
Governor F. A. Tritle, "Pardons Granted," 45-46; 1885
Assembly Journals, Message of Governor F. A. Tritle,
"Pardons Granted," 178-187; 1891 Assembly Journals,
Message of Acting Governor N. O. Murphy, "Pardons," 45-
55; 1893 Assembly Journals, Message of Governor L. C.
Hughes, "Pardons Granted," 36-43; 1897 Assembly Journals,
Message of Governor B. J. Franklin, "Pardons," 77-86;
1899 Assembly Journals, Message of Governor N. O. Murphy,
"Pardons and Commutations," 464-471; 1901 Assembly
Journals, Message of Governor N. O. Murphy, "Pardons,
Commutations and Reprieves," 320-323.

143 1883 Assembly Journals, Message of Governor F. A. Tittle, "Applications for Pardons," 41.

144 1885 Assembly Journals, Message of Governor F. A. Tittle, "Pardons," 176.

145 See Ariz. Const. art. 5, sec. 5 (1910); State ex rel. Arizona State Board of Pardons and Paroles v. Superior Court, 12 Ariz. App. 77, 467 P.2d 917 (1970) (governor may not grant reprieve, commutation or pardon without prior board approval).

146 Edward Peplow, Jr., History of Arizona, vol. I (New York: Lewis Historical Publishing Co., 1958), 609.

147 Ward Adams, History of Arizona, vol. II (Phoenix: Record Publishing Co., 1930), 104.

148 1871 Assembly Journals, Message of Governor A. P. K. Safford, 53-54.

149 President, Message, "Transmitting a communication from the Secretary of the Interior, with accompanying papers, relative to lawlessness which prevails in parts of Arizona," 47th Cong., 1st Sess., 2 February 1882, House Executive Document no. 58 (Washington, D.C.: Government Printing Office, 1882); President, Message, "In relation to disorders and lawlessness in Arizona," 47th Cong., 1st Sess., 27 April 1882, House Executive Document no. 188 (Washington, D.C.: Government Printing Office, 1882).

150 For a good summary of the Apache conflicts in Arizona, see Dan L. Thrapp, The Conquest of Apacheria (Norman: University of Oklahoma Press, 1967).

151 William E. Burrows, Vigilante! (New York: Harcourt Brace Jovanovich, 1976), 7. See also William Tucker, Vigilante: The Backlash Against Crime in America (New York: Stein and Day, 1985); Richard Maxwell Brown, Strain of Violence: Historical Studies of American Violence and Vigilantism (New York: Oxford University Press, 1975).

152 See Appendix A, Nos., 8-11.

153 Prescott Weekly Arizona Miner, 14 January 1871,

3.

154 "No Clue to the Robbers," Prescott Weekly Arizona Miner, 13 April 1877, 3.

155 "Two Men Shot," Prescott Weekly Arizona Miner, 11 November 1881, 4.

156 "The Affair at Gillett," Prescott Weekly Arizona Miner, 21 June 1878, 2.

157 See "Desperate Shooting and Mob at Gillett!," Prescott Weekly Arizona Miner, 14 June 1878, 2.

158 "Telegraph," Tucson Arizona Weekly Citizen, 1 March 1884, 1.

159 "Telegraphic-Territorial," Prescott Weekly Arizona Miner, 7 January 1876, 2.

1 "The Grand Jury," Prescott Weekly Arizona Miner, 7 November 1879, 1. See also Earl Zarbin, "'The Whole Was Done So Quietly': The Phoenix Lynchings of 1879," Journal of Arizona History 21 (Winter 1980): 353-362.

161 See the articles cited in Appendix A, No. 35.

162 See, e.g., "Col. Roosevelt on Prison Reform," Phoenix Arizona Republican, 22 April 1913, 4.

163 See, e.g., John Whiteclay Chambers, II, The Tyranny of Change: America in the Progressive Era, 1900-1917 (New York: St. Martin's Press, 1980), 133-34.

164 William J. Bowers, Legal Homicide: Death as Punishment in America, 1864-1982 (Boston: Northeastern University Press, 1984), 9.

165 See John Goff, George W. P. Hunt and His Arizona (Pasadena: Socio Technical Publications, 1973), 61-67 (story of Hunt's opposition to Arizona's death penalty); Marjorie Haines Wilson, "The Gubernatorial Career of George W. P. Hunt of Arizona" (Ph.D. diss., Arizona State University, 1973), 153-73; Earl Zarbin, "Capital Punishment Abolished in Arizona, Quickly Reinstated," Phoenix Arizona Republic, 6 March 1960, 12.

166 This was section 24 of Substitute Proposition No. 94. See Con P. Cronin, ed., Journals of the Constitutional Convention of Arizona (Phoenix: State Law and Legislative Reference Library, 1925), 468, afternoon session, 25 November 1910.

167 Minutes of the Constitutional Convention of the Territory of Arizona (Phoenix: Phoenix Publishing Co., 1910), 293-94. See also, "A Surgical Operation on the" (footnote continued)

(footnote continued from previous page)
 Bill of Rights: It Was Mangled In Its More Essential Part Beyond Recognition," Phoenix Arizona Republican, 26 November 1910, 1, 7; "Delegates Are Getting Tired Of Convention," Tucson Arizona Daily Star, 26 November 1910, 1.

168 Even before he was sworn in as the new state's first governor, Hunt planned to recommend to the legislature that it abolish the death penalty. "Penitentiary Soon Will Be Quite Popular," Phoenix Arizona Republican, 14 January 1912, 1.

169 "Message of Governor Geo. W. P. Hunt to the First Legislature of Arizona," Phoenix Arizona Republican, 19 March 1912, 2-1, 2-2.

170 See, e.g., "Applicants for Mercy," Phoenix Arizona Republican, 10 September 1912, 4.

171 See "Capital Punishment," Phoenix Arizona Republican, 12 September 1912, 4. Even at this early date, Hunt's stand on capital punishment was attracting national attention. See, e.g., "Duke Wants Capital Punishment Abolished," Tucson Citizen, 24 November 1912, 6 (supportive letter sent to Governor Hunt by Thomas P. Tagliatti, Duke of San Giorgio and professor at University of New York).

172 See, e.g., "Needed Legislation," Phoenix Arizona Republican, 22 September 1912, 4.

173 See "Will They Hang?," Prescott Journal Miner 5 October 1912, 2; "Decree of the Law Should Be Enforced," Prescott Journal Miner, 6 October 1912, 1, 5.

174 The men who received reprieves were William Campbell, Eduardo Perez, N. B. Chavez and Miguel Peralta. "Hunt Reprieves Four Convicted Slayers of Men," Bisbee Daily Review, 12 October 1912, 1, 3. Of the four, only Chavez and Peralta were ever executed. See Appendix A, Nos. 102 and 103.

175 See, e.g., "Governor Reprieves Yavapai Murderers," Bisbee Daily Review, 12 October 1912, 4 (editorial critical of Hunt); "Hunt Reprieves Four Who Were to be Hanged Friday, Pending Abolition of Death Penalty," Tucson Citizen, 12 October 1912, 4; "Hunt's Reprieve of Murderers Lends Strength to Democratic Movement for Recall of Governor, O'Neill Asserts," Tucson Citizen, 13 October 1912, 4; "New Lease on Life is Given Four Men," Tucson Arizona Daily Star, 12 October 1912, 2.

176 See "No Hangings at Florence Today," Prescott Journal Miner, 11 October 1912, 1; "Hunt Tramples on Law and Public Sentiment," Prescott Journal Miner, 12 October 1912, 1,5; "To H_____ With the Law," Prescott Journal Miner, 12 October 1912, 2. There was a similar response in nearby Jerome. See "Gov. Hunt Reprives Murderer of Officer King," Jerome News and Copper Belt, 2 October 1912, 1.

177 See "Recall Hunt and then Elect a Minister," Prescott Journal Miner, 13 October 1912, 1; "And Even Brady O'Neil Wants Governor Hunt Recalled" Prescott Journal Miner, 15 October 1912, 1; "Hunt's Conscience an Elastic Thing," Prescott Journal Miner, 17 October 1912, 1; "Apology is the Next Thing in Order," Prescott Journal Miner, 20 October 1912, 1; "Another View of Governor Hunt's Reprives," Prescott Journal Miner, 22 October 1912, 5. See also "Gov. Hunt in Bad," Jerome News and Copper Belt, 19 October 1912, 2.

178 "Proposes to Give People Chance to Decide," Phoenix Arizona Gazette, 11 October 1912, 1,7; "Condemned Men Granted Lease on Life," Phoenix Arizona Republican, 12 October 1912, 1,9.

179 Legislative Journals, Second Special Session, 3 (1913).

180 "From Message of Governor to Legislature," Phoenix Arizona Republican, 4 February 1913, 2.

181 Legislative Journals, Second Special Session, 8 (1913).

182 Ibid. at 71.

183 See "Penal Code is Subject of House Debate," Phoenix Arizona Republican, 6 March 1913, 1.

184 Ibid.

185 See "The Pardoning Power," Phoenix Arizona Republican, 19 February 1913, 4 (editorial suggesting that the pardon power should be removed from the control of one man to assure greater uniformity in its use).

186 "House Passes the Penal Code," Phoenix Arizona Republican, 18 March 1913, 2. See also "Let This Thing Be Settled," Phoenix Arizona Republican, 3 April 1913, 4 (editorial urging a chance for the voters to decide the death penalty issue); "The Longevity of Murderers," Phoenix Arizona Republican, 11 April 1913, 4. (editorial disagreeing with Hunt on the merits of capital punishment and arguing that the state's chief executive should carry out the law and not his personal views).

187 See "Hunt Hurls Veto Against Penal Code," Phoenix Arizona Republican, 12 April 1913, 1,7.

188 See "Five Killers are Reprieved," Phoenix Arizona Republican, 12 April 1913, 9. The new man given a reprieve was Francisco Rodriguez, who was finally executed on 19 May 1916. See Appendix A, No. 101. See also "Yavapai County Murderers and Their Crime," Jerome News and Copper Belt, 19 April 1913, 1.

189 See "Hunt's Message to Legislature," Phoenix Arizona Republican, 15 April 1913, 3.

190 Legislative Journals, Third Special Session, 10 (1913).

191 See, e.g., "The Prescott Protest," Phoenix Arizona Republican, 1 May 1913, 4. See also "Large Mass Meeting of Citizens uphold Capital Punishment," Jerome New and Copper Belt, 10 May 1913, 1.

192 "Pardon Power is Not Abused," Phoenix Arizona Republican, 10 May 1913, 5 (Hunt's response to the Prescott protests). See also "Evading the Real Issue," Jerome News and Copper Belt, 17 May 1913, 2 (reply to Hunt's response).

193 See "Hanging to be Debated," Phoenix Arizona Republican, 12 May 1913, 6.

194 See, e.g., "Governor Makes Reply to Resolutions Adopted by Incensed Yavapai Citizens," Tucson Citizen, 11 May 1913, 9; "Capital Punishment Necessary For Protection of Life," Jerome News and Copper Belt, 29 March 1913, 1; "Riding to a Fall," Jerome News and Copper Belt, 5 April 1913, 2.

195 Hunt was not making progress in Yavapai County, however. See, e.g., "Governor's Weak Plea," Jerome News and Copper Belt, 24 May 1913, 2.

196 See, e.g., "Penal Code Again Passes Lower House," Phoenix Arizona Republican, 1 May 1913, 1,5; "Penal Code Unchanged," Holbrook News, 25 April 1913, 2.

197 See, e.g., "Concerning Vetoes," Phoenix Arizona Republican, 2 May 1913, 4 (veto likely, but should be overruled); "Penal Code Will Again Be Vetoed," Phoenix Arizona Republican, 14 May 1913, 1,8.

198 Legislative Journals, Third Special Session, 278 (1913). See also "Penal Code Agreed To But Not Mine Tax," Phoenix Arizona Republican, 13 May 1913, 1,3.

199 "Legislature Hands Back Challenge," Phoenix Arizona Republican, 15 May 1913, 1,8. See also, "Hunt and Legislature Are at Sword's Points; He Will Try Referendum, It Is Said," Tucson Citizen, 16 May 1913, 1; "Hunt Has Reprieved Murderers Again," Tucson Citizen, 21 May 1913, 6.

200 Legislative Journals, Third Special Session, 303-07 (1913). See also "Code Vetoed, Legislature Will Pass it Anyway," Tucson Citizen, 17 May 1913, 1.

201 Ibid. at 307-08.

202 See, e.g., "Penal Code Passed Over Hunt's Veto With Votes to Spare," Phoenix Arizona Republican, 17 May 1913, 1,5; "With Fidelity to Duty and Faithful to Trust Committed to His Care," Phoenix Arizona Gazette, 17 May 1913, 1,4-5; "A Case for the Recall," Tucson Citizen, 17 May 1913, 4. See also "Legislature Passes Code Over Veto; Hunt Predicts That If 'Enemies' Are Victorious Democratic Party in State Will be Wrecked," Tucson Citizen, 18 May 1913, 6; "Governor Should Obey The Law," Tucson Citizen, 18 May 1913, 4; "Hunt Has Reprieved Murderers Again," Tucson Citizen, 21 May 1913, 6.

203 See "Referendum is Invoked," Phoenix Arizona Republican, 5 June 1913, 3. See also "Murderers in Arizona Will Not Hang Until People Have Passed on Capital Punishment," Tucson Citizen, 24 May 1913, 8 (remarks made by Hunt in Globe).

204 The man given a reprieve was Charles Schaffer. See "People Will Speak on Law," Phoenix Arizona Republican, 6 June 1913, 7.

205 "People Will Speak On Law," Phoenix Arizona Republican, 6 June 1913, 7. See also "Anti-Capital Punishment Bill Will Be Initiated; Secretary of State Has Enough Petitions," Tucson Citizen, 6 June 1913, 1.

206 See, e.g., "Governor Hunt Issues Five More Reprieves," Phoenix Arizona Republican, 20 June 1913, 6; "Gov. Hunt Again Saves Murderers," Jerome News and Copper Belt, 21 June 1913, 2.

207 See, e.g., "Pardon Granted Mrs. Caruthers," Phoenix Arizona Republican, 23 July 1913, 2 (violation of liquor laws); "Hunt Pardons Woman From County Jail," Tucson Citizen, 25 July 1913, 6.

208 "Voters to Pass on Penal Code," Phoenix Arizona Gazette, 9 August 1913, 3

209 See, e.g., "The Governor's Untenable Position," Jerome News and Copper Belt, 2 August 1913, 2 (article critical of Hunt's stand); "Things Other Editors Are Saying," Tucson Citizen, 19 November 1913, 4. See also "Quick Work by the Court; Also by Governor," Tucson Citizen, 26 November 1913, 2 (satirical tale of how Hunt's speedy pardon for a murderer supposedly arrived before the victim could be buried).

210 "Governor Pardons Two Men in One Day," Phoenix Arizona Republican, 14 September 1913, 4.

211 "No Christmas Pardons, Hunt," Phoenix Arizona Republican, 25 December 1913, 5. Hunt did intend to continue blocking executions until the initiative vote in November of 1914. See, e.g., "Hunt Will Reprive Seventh Arizona Murderer," Tucson Citizen, 10 December 1913, 7 (reprive for Francisco Garcia); "Hunt May Reprive Yavapai County Murderer," 17 December 1913, 3 (reprive for Juan Fernandez). See also "A Parallel Case to Arizona," Tucson Citizen, 10 January 1914, 3 (story of Oklahoma Governor who also blocked executions until stopped by Oklahoma Supreme Court); "Governor Hunt," Snowflake Herald, 7 November 1913, 2 (critical editorial cited from the Santa Fe Eagle); "Interesting News From All Over Arizona," Snowflake Herald, 12 December 1913, 1 (at least seven men on death row).

212 "Governor Hunt Speaks from Tempe Town Pulpit," Phoenix Arizona Republican, 16 December 1913, 11. Hunt, however, seemed to be losing support from the state newspapers. "What Other Editors are Saying," Tucson Citizen, 13 January 1914, 4 (Globe Record attack on Hunt); "What Other Editors are Saying," Tucson Citizen, 5 March 1914, 4.

213 See "Governor Hunt Will Speak on Death Penalty," Tucson Arizona Daily Star, 19 April 1914, 3; "Governor (footnote continued)

(footnote continued from previous page)
 Hunt Will Advocate Abolition of Death Penalty," Tucson Citizen, 18 April 1914, 5. Hunt had previously spoken at Grace Episcopal in Tucson. On 4 January 1914, he delivered a speech on prison reform that turned into a sharp attack on his political enemies. "Governor Hunt Finds New Motive for Critics," Tucson Citizen, 5 January 1914, 1 (attack on Tucson Citizen's editorial policy because it supposedly reflected interests of the rich); "Governor Hunt Will Speak at Church," Tucson Citizen, 3 January 1915, 5. Hunt had also planned another talk at Grace Episcopal for 29 March 1914. "Capital Punishment Will Be Discussed by Governor," Tucson Citizen, 24 March 1913, 3 (speech proposed for 29 March 1914); "Politics and the Pulpit," Tucson Citizen, 24 March 1914, 4 (editorial criticizing Hunt for failing to carry out death penalty law). Because of more pressing engagements, Hunt was forced to cancel his March talk and substitute another speaker. "Chafin Will Talk on Capital Punishment," Tucson Citizen, 26 March 1914, 3 (Eugene W. Chafin to speak on capital punishment on 29 March 1914 at Grace Episcopal Church). See also "Douglas Editor Asks Hunt to be Decent in Pulpit," Tucson Citizen, 27 March 1914, 5 (editor asks that Hunt restrain his "bitterness" when he next speaks in Tucson).

214 The pamphlet is scarce and has been reprinted here as Appendix F. An original copy is on file at the Arizona State Archives, State Capitol, Phoenix, Arizona. Governor Hunt's magnificent speeches had not persuaded everyone. See, e.g., "Cold Facts Not Sentiment," Phoenix Arizona Republican, 22 April 1914, 9 (letter to the editor urging Hunt to enforce the law, not further his own views).

215 See "Expected Reprieve of Peterson's Killers," Phoenix Arizona Republican, 22 May 1914, 7.

216 See "Form Anti-Capital Punishment League," Phoenix Arizona Republican, 29 May 1914, 7. See also "Capital Punishment," Phoenix Arizona Republican, 31 May 1914, 4 (predicting failure for the Social Service League).

217 "Social Service League Launched," Phoenix Arizona Gazette, 28 May 1914, 6.

218 "Capital Punishment Sentiment," Phoenix Arizona Republican, 23 June 1914, 4. See also "Governors and Capital Punishment," Phoenix Arizona Republican, 8 June 1914 4 (Hunt's reprieves are an abuse of power.).

219 See, e.g., "14 Murderers Are Ready for Hangman," Phoenix Arizona Gazette, 23 October 1914, 13; "'Blood or Benevolence! Which?': An Article Addressed to the People of Arizona in Answer to the Question 'Is Capital Punishment Right, Useful or Expedient?'," Phoenix Arizona Gazette, 28 October 1914, 1,2 (full reprint of Hunt's massive speech entitled "A Paradox of Progress," provided in complete form at Appendix F to this study); "Opinions of Prominent People from Near and Afar on Death as Penalty," Phoenix Arizona Gazette, 28 October 1914, 2,13 (collection of statements and letters from well-known Arizonans and national figures opposing the death penalty); "Why Abolish Death as a Penalty?," Phoenix Arizona Gazette, 28 October 1914, 14 (full-page advertisement/editorial against capital punishment); Dr. Francis H. Redewill, "Why Arizona Should Shake Off the Disgrace of Capital Punishment," Phoenix Arizona Gazette, 31 October 1914, 10 (unintentionally hilarious article using schematic diagrams and illustrations of the human mind to demonstrate the futility and error of capital punishment).

220 See, e.g., "Governor Hunt and Capital Punishment," Phoenix Arizona Republican, 20 August 1914, 4 (reprieves of the eight men usurped the functions of judge and jury); "The Capital Punishment Issue," Phoenix Arizona Republican, 25 August 1914, 4 (the suspension of executions may have encouraged an unprecedented series of murders); "Capital Punishment," Phoenix Arizona Republican, 1 September 1914, 4 (the anti-capital punishment literature is filled with inaccuracies and misleading quotations).

221 See "A Challenge to Governor Hunt," Phoenix Arizona Republican, 4 September 1914, 7.

222 Ibid.

223 "Democrats in Grand Windup," Phoenix Arizona Republican, 8 September 1914, 12.

224 "Robert S. Fisher Talks Against Hanging," Phoenix Arizona Republican, 26 September 1914, 6. See also "No Legal Murder for Civic League," Phoenix Arizona Gazette, 15 October 1914, 6 (the "Civic League," an association of women voters, goes on record against the death penalty).

225 "Mr. Young's Position on Capital Punishment," Phoenix Arizona Republican, 29 September 1914, 4.

226 "Dr. Hughes Gives Forceful Address," Phoenix Arizona Republican, 2 October 1914, 4.

227 "Theosophist Gives Views on Great War," Tucson Arizona Daily Star, 13 October 1914, 3.

228 Ibid. "Time is Now Ripe to Finally Abolish Capital Punishment," Phoenix Arizona Gazette, 19 October 1914, 2 (open letter from the students and faculty of the Raja Yoga College and the residents of the International City of Lomaland at Point Loma, California).

229 See, e.g., "She Comes to Plead for Man's Humanity to Man," Phoenix Arizona Gazette, 15 October 1914, 1 (large portrait photograph of Mrs. Tingley); "Crusade Against Capital Punishment is Strengthened by visit of Katherine Tingley," Phoenix Arizona Gazette, 17 October 1914, 1 (picture showing unusual garb of Mrs. Tingley).

230 "Madame Tingley Will Lecture in Phoenix," Phoenix Arizona Republican, 11 October 1914, 3. See also "The Coming of a High Priestess," Phoenix Arizona Republican, 13 October 1914, 4 ("All dreamers are opposed to capital punishment. The wilder the dreams the fiercer the opposition.").

231 "She Would Repeal Death Sentence," Tucson Arizona Daily Star, 14 October 1914., 6.

232 "Public Address by Mrs. Tingley," Phoenix Arizona Gazette, 14 October 1914, 6.

233 "Mrs. Tingley to Arrive Tonight," Globe Arizona Silver Belt, 14 October 1914, 2.

234 "Theosophist to Lecture Tonight," Globe Arizona Silver Belt, 15 October 1914, 2; "Mrs. Tingley's Globe Lecture," Globe Arizona Silver Belt, 16 October 1914, 3; "Globe Tells Mrs. Tingley That Arizona Will Wipe Out the Stain of Capital Punishment," Phoenix Arizona Gazette, 16 October 1914, 1.

235 "Madame Tingley Has Reception at Adams," Phoenix Arizona Republican, 16 October 1914, 5.

236 See "Death Penalty is a Relic of Darkest Ages," Phoenix Arizona Gazette, 19 October 1914, 1, 15.

237 See "Raja Yoga Quartet Play Fine Concert," Phoenix Arizona Gazette, 19 October 1914, 12.

226 "Dr. Hughes Gives Forceful Address," Phoenix Arizona Republican, 2 October 1914, 4.

227 "Theosophist Gives Views on Great War," Tucson Arizona Daily Star, 13 October 1914, 3.

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229 See, e.g., "She Comes to Plead for Man's Humanity to Man," Phoenix Arizona Gazette, 15 October 1914, 1 (large portrait photograph of Mrs. Tingley); "Crusade Against Capital Punishment is Strengthened by visit of Katherine Tingley," Phoenix Arizona Gazette, 17 October 1914, 1 (picture showing unusual garb of Mrs. Tingley).

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231 "She Would Repeal Death Sentence," Tucson Arizona Daily Star, 14 October 1914., 6.

232 "Public Address by Mrs. Tingley," Phoenix Arizona Gazette, 14 October 1914, 6.

233 "Mrs. Tingley to Arrive Tonight," Globe Arizona Silver Belt, 14 October 1914, 2.

234 "Theosophist to Lecture Tonight," Globe Arizona Silver Belt, 15 October 1914, 2; "Mrs. Tingley's Globe Lecture," Globe Arizona Silver Belt, 16 October 1914, 3; "Globe Tells Mrs. Tingley That Arizona Will Wipe Out the Stain of Capital Punishment," Phoenix Arizona Gazette, 16 October 1914, 1.

235 "Madame Tingley Has Reception at Adams," Phoenix Arizona Republican, 16 October 1914, 5.

236 See "Death Penalty is a Relic of Darkest Ages," Phoenix Arizona Gazette, 19 October 1914, 1,15.

237 See "Raja Yoga Quartet Play Fine Concert," Phoenix Arizona Gazette, 19 October 1914, 12.

- 238 See also "Katherine Tingley Nails a Lie and Makes Strong Plea for Anti-Capital Punishment," Phoenix Arizona Gazette, 2 November 1914, 1, 16 (heated denial to a Phoenix Arizona Republican editorial of 25 October 1914 that Tingley was a Hunt lackey and a Buddhist who wanted to convert Arizona to Buddhism).
- 239 But see "Suggestions How to Vote," Phoenix Arizona Gazette, 2 November 1914, 1 (continued editorial support for Hunt from the Gazette).
- 240 See, e.g., "Hunt Will Fall With the Red Leaves," Phoenix Arizona Republican, 7 October 1914, 5 (predicting Hunt would fail re-election); "A Judicial Executive," Phoenix Arizona Republican, 15 October 1914, 4 (Hunt mistakenly believes he has judicial power).
- 241 See, e.g., "Governor Hanley and Governor Hunt," Phoenix Arizona Republican, 12 October 1914, 4.
- 242 "Foregathering of Democrats, Elks Theater," Phoenix Arizona Republican, 14 October 1914, 3; "Gov. Hunt Pledges Renewed Fidelity to People if Elected," Phoenix Arizona Gazette, 14 October 1914, 1, 5.
- 243 "Speaking Dates for Democratic Candidates," Phoenix Arizona Gazette, 14 October 1914, 4.
- 244 See, e.g. "The Anti-Capital Punishment Bill," Phoenix Arizona Republican, 8 November 1914, 4 (proposal probably defeated despite organized efforts by Hunt and the Social Service League).
- 245 "Hunt's Majority Will Exceed 8000," Phoenix Arizona Gazette, 24 November 1914, 3.
- 246 See 1915 Ariz. Sess. Laws, Initiative and Referendum Measures, 5.
- 247 See 1915 Ariz. Sess. Laws, Initiative and Referendum Measures, 7.
- 248 "Election Returns as Officially Canvassed by Counties," Phoenix Arizona Gazette, 30 November 1914, 5.
- 249 Ibid.
- 250 "Vindication of Gov. Hunt," Phoenix Arizona Republican, 14 November 1914, 4.
- 251 See "The Fly in the Gubernatorial Ointment," (footnote continued)

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Phoenix Arizona Republican, 14 November 1914, 4;
 "Governor Expresses Profound Appreciation of Loyal
 support," Phoenix Arizona Gazette, 13 November 1914, 7.

252 Counts of the men actually on death row vary,
 but 12 appears to be the most accurate figure. But see
"Thirteen Await Hangman's Noose," Phoenix Arizona
Gazette, 18 November 1914, 6. In making its list of 13,
 the Arizona Gazette for some reason included Louis
 Nelson, although the Arizona Supreme Court had granted
 him a new trial. See Nelson v. State, 16 Ariz. 165, 141
 P. 704 (1914).

253 "Executions are Finally Cut to Six," Phoenix
Arizona Gazette, 4 December 1914, 14.

254 "Prison Warden Prepares for Killings," Phoenix
Arizona Gazette, 24 November 1914, 5. See also "State
 Has Offer of New Model Scaffold," Phoenix Arizona
Gazette, 1 December 1914, 3 (state offered automatic
 system for multiple executions).

255 "Pardons Man Who Made Good," Phoenix Arizona
Republican, 28 November 1914, 5 (pardon for convicted
 robber Timothy J. O'Brien).

256 See, e.g., "Gov. Searching Death Record for
 Light," Phoenix Arizona Gazette, 25 November 1914, 1;
 "Executions to be Strictly Private," Phoenix Arizona
Gazette, 2 December 1914, 6 (will not be conducted all at
 once); Ellen O'Dare, "Who Shall Kill?," Phoenix Arizona
Gazette, 4 December 1914, 4; "Why Hang Men?," Phoenix
Arizona Gazette, 7 December 1914, 4; "Murderers Fate in
 Hands of Governor," Phoenix Arizona Gazette, 10 December
 1914, 5.

257 See, e.g., "Hunt Invites Opponents to the
 'Hanging Bee,'" Holbrook News, 5 December 1914, 1; "Days
 of Commune Recalled by Festival of Death," Phoenix
Arizona Gazette, 21 November 1914, 1.

258 See "Execution Stayed at Last Minute," Phoenix
Arizona Republican, 13 December 1914, 10; "Governor Hunt
 Saves His Boys From Hanging on December 19," Tucson
Citizen, 12 December 1914, 1.

259 "Gov. Hunt Commutes Two Sentences - Others
 Referred for Further Investigation," Phoenix Arizona
Gazette, 12 December 1914, 1, 6. See also "News and Views
 from the Capitol of Arizona," Holbrook News, 19 December
 1914, 3.

260 See, e.g., "Executive Clemency," Phoenix Arizona Republican, 13 December 1914, 4.

261 "Arizona Now Has Nine New Enactments," Phoenix Arizona Republican, 15 December 1914, 9. At about this time, Hunt also supposedly received a death threat from a Minneapolis society called the "Community of the Black Hand." This group vowed to kill Hunt if he allowed any hangings in Arizona. "General News Notes From Everywhere," Snowflake Herald, 18 December 1914, 1. Apparently nothing ever came of this threat.

262 See, e.g., "Hunt Heads the Anti-Head Society," Tucson Citizen, 22 December 1914, 7; "Honor Governor With Presidency," Phoenix Arizona Gazette, 22 December 1914, 5. See also "Hunt's Society Works to End the Death Penalty," Tucson Citizen, 13 April 1915, 8 (short article describing the national effort by this society to abolish the death penalty).

263 "Villalobos' Death Depends on Act of New Parole Board," Phoenix Arizona Republican, 14 January 1915, 1, 6. See also "R. Villalobo [sic] Did Not Hang on Jan. 8," Tucson Citizen, 12 January 1915, 8.

264 Ibid. See also "Warden Sims' Error," Phoenix Arizona Republican, 15 January 1915, 4 (Sims should carry out the laws whatever may be his personal views on capital punishment); "Sims Unauthorized to Save Villalobo [sic] Says Atty. Gen. Jones," Tucson Citizen, 15 January 1915, 8.

265 "Villalobos Re-Sentenced to be Hanged March 19," Phoenix Arizona Republican, 16 January 1915, 1.

266 "New Pardon Board to Organize at Florence," Phoenix Arizona Republican, 22 January 1915, 7.

267 See, e.g., "Parole Board Does Routine Business," Phoenix Arizona Republican, 26 January 1915, 10.

268 "Commutations Were Not So Numerous," Phoenix Arizona Republican, 2 February 1915, 8.

269 "Cases of Condemned Men Come Up Mar. 4," Phoenix Arizona Republican, 21 February 1915, 11.

270 Ibid. See also "Cases of Condemned Men Come Up Mar. 4," Tucson Citizen, 22 February 1915, 4.

271 See "Warden Sims Under Light of Inquiry," (footnote continued)

(footnote continued from previous page)
Phoenix Arizona Republican, 25 February 1915, 1,7;
 "Christy Directs Investigation of Sims," Tucson Citizen,
 26 February 1915, 3.

272 Ibid. at 7.

273 Ibid.

274 See "Unconditional Pardon Hunt's Reply to Law,"
Phoenix Arizona Republican, 5 March 1915, 1.

275 See "Hunt's Fight on the Parole Board Starts,"
Phoenix Arizona Republican, 4 March 1916, 1,6; "Fate of
 Condemned Men May Be Settled By the Board Today," Phoenix
Arizona Republican, 4 March 1915, 4.

276 "Pardon Board Suspends Final Action Pending
 Court Decision," Phoenix Arizona Republican, 6 March
 1915, 1,3.

277 Ibid.

278 "Superior Court to Pass on Laird Pardon Case
 Today," Phoenix Arizona Republican, 8 March 1915, 1;
 "Laird Case is Delayed - Will Be Heard Today," Phoenix
Arizona Republican, 10 March 1915, 1; "Great Interest in
 Laird Case Decision Today," Phoenix Arizona Republican,
 11 March 1915, 1.

279 "Pardon Board is Upheld in Court Decision,"
Phoenix Arizona Republican, 12 March 1915, 1,5; "Judge
 Upholds Action of People," Tucson Citizen, 12 March 1915,
 3.

280 "Full Text of the Decision in Laird Case,"
Phoenix Arizona Republican, 16 March 1915, 1,8.

281 "Pardon Board Asks Month's Reprieve For
 Condemned Men," Phoenix Arizona Republican, 16 March
 1915, 1,10.

282 "Hunt Reprieves Condemned Men Until May 28,"
Phoenix Arizona Republican, 19 March 1915, 1,2; "Hunt
 Reprieves Condemned Men Until May 28," Tucson Citizen, 19
 March 1915, 1. See also "Popular Government in Arizona,"
Tucson Citizen, 26 March 1915, 4 (editorial attacking
 Hunt); "What is the Governor going to Do About It?,"
Snowflake Herald, 26 March 1915, 1 (editorial against
 Hunt from the Douglas International).

283 Laird v. Sims, 16 Ariz. 521, 147 P. 738 (1915).
 See also "Governor Shorn of Pardoning Power by Court,"
Tucson Citizen, 13 April 1915, 3.

284 "Board of Pardons and Paroles Sustained by
 Supreme Court Decision," Phoenix Arizona Republican, 13
 April 1915, 1,3.

285 "Governor Signs Paroles for Thirty-Six
 prisoners," Phoenix Arizona Republican, 14 April 1915, 1.

286 "Laird and Gherna to be Recommended for
 pardons," Phoenix Arizona Republican, 18 April 1915, 1.

287 Ibid.

288 "Board Votes Pardon for Man Who Sold Booze by
 Wholesale," Phoenix Arizona Republican, 19 April 1915, 3.

289 "Laird and Gherna Pardoned; Reprieve of Five
 Made Sure," Phoenix Arizona Republican, 22 April 1915, 1.
 On 20 April 1915, convict Jesus Nazarro committed suicide
 at the Florence Prison by hanging. See "Hanging at the
 Florence Pen is Not Scheduled," Tucson Citizen, 21 April
 1915, 3.

290 See "Pardon Board to Decide Fate of Five Men
 Friday," Phoenix Arizona Republican, 26 April 1915, 1;
 "Board Refers Final Action," Phoenix Arizona Republican,
 30 April 1915, 8 (board will meet on the five men on
 death row on 13 May 1915).

291 "Four are Paroled on Advice of Board," Phoenix
 Arizona Republican, 2 May 1915, 9.

292 "Pardon Board Votes to Let Execution of
 Murderers Proceed," Phoenix Arizona Republican, 14 May
 1915, 14; See also, "Pardon Board to Votes on Life and
 Death This Week," Phoenix Arizona Republican, 10 May
 1915, 4.

293 See "Governor's View of Board's Action," Phoenix
 Arizona Republican, 15 May 1915, 1. See also "Condemned
 Men Read Fate in Arizona Gazette," Phoenix Arizona
 Gazette, 14 May 1915, 1.

294 See "Pardon Board Has Approval of the Senate,"
Phoenix Arizona Republican, 26 May 1915, 1,3.

295 "To Commend Board for its Resolute Stand,"
Phoenix Arizona Republican, 24 May 1915, 1. See also
 (footnote continued)

(footnote continued from previous page)
 "The Board of Pardons and Paroles," Phoenix Arizona Republican, 15 May 1915, 4 (editorial stating that the board did its duty in upholding death sentences).

296 "Graves of Five Doomed Men Being Dug at Prison," Phoenix Arizona Republican, 17 May 1915, 1.

297 See "House Would Extend Frank Memorial to Include Arizonians," Phoenix Arizona Republican, 15 May 1915, 1,5.

298 Ibid.

299 See, e.g. "Mob Takes Leo Frank From Jail," Phoenix Arizona Republican, 17 August 1915, 1; "Mob Completes Its Work: Hangs Frank to Oak Tree," Phoenix Arizona Republican, 18 August 1915, 1,4; "The Disgrace of Georgia," Phoenix Arizona Republican, 18 August 1915, 4.

300 "Hanging of Frank Outrage, Says Hunt," Phoenix Arizona Republican, 20 August 1915, 6.

301 "Final Effort to Save Five From Hanging," Phoenix Arizona Republican, 27 May 1915, 1,6.

302 See, e.g., "Governor Hunt Walks to the State Capitol," Phoenix Arizona Gazette, 14 February 1912, 1,8.

303 "Final Effort to Save Five From Hanging," Phoenix Arizona Republican, 27 May 1915, 1,6.

304 "Shadow of the Gallows Thrown Over Legislature," Phoenix Arizona Republican, 28 May 1915, 1,3.

305 Ibid.

306 See, e.g., "The Intrusion of Mr. Bryan," Phoenix Arizona Republican, 30 May 1915, 4 (editorial accusing Bryan of having misguided sentiments and ignoring the blood of many innocent Americans shed in Mexico).

307 "Black Friday at State Prison is History Without Hangings," Phoenix Arizona Republican, 29 May 1915, 1,5; "At Florence Yesterday," Phoenix Arizona Republican, 29 May 1915, 4. See also "Legislature is Interested in Florence Proceedings," Phoenix Arizona Republican, 29 May 1915, 1.

308 "Facts About That Message," Phoenix Arizona Republican, 23 June 1915, 4.

309 See "Recommendation Pleases the Spanish Population," Phoenix Arizona Republican, 29 May 1915, 1.

310 Ibid. Although the death penalty question marked the first significant political activity by La Liga Protectora Latina, the group became active in other political, community and social affairs. See, e.g., "Liga Latina Ends Session," Phoenix Arizona Republican, 6 January 1917, 5; "Liga Latina Ball Tonight," Phoenix Arizona Republican, 4 May 1917, 12.

311 See "Two More Hangings are Set for Friday at state Prison," Phoenix Arizona Republican, 3 June 1915, 1.

312 See "Negroes Are Not to be Executed Today," Phoenix Arizona Republican, 4 June 1915, 10. See also "The Arizona Farce," Snowflake Herald, 4 June 1915, 2 (editorial attacking Hunt reprinted from the Albuquerque Journal).

313 Legislative Journals, Second Special Session, 8 (1915).

314 See, e.g., "The Only Way To Do It," Phoenix Arizona Republican, 2 June 1915, 4. See also "As in the Early Days," Phoenix Arizona Republican, 27 June 1915, 4 (interesting article claiming that the vote in November 1914 affirming the death penalty had acted to temporarily reduce homicide rate).

315 Legislative Journals, Second Special Session, 40 (1915).

316 Ibid.

317 See "First Petition to Initiate Pinkley Bill," Phoenix Arizona Republican, 7 July 1915, 5.

318 Ibid.

319 See "The Anti-Capital Punishment Petition," Phoenix Arizona Republican, 8 July 1915, 4.

320 "Preparing Appeal in Villalobos Case," Phoenix Arizona Republican, 14 July 1915, 3.

321 "Tardy Appeal of Villalobos," Phoenix Arizona Republican, 17 July 1915, 5.

322 "Motion to Dismiss Villalobos' Appeal," Phoenix Arizona Republican, 18 July 1915, 9.

323 Ibid. See also "Villalobos' Appeal Found to be Futile," Phoenix Arizona Republican, 20 July 1915, 1.

324 "Hunt Gives Up Plan to Visit 'Frisco Fair," Phoenix Arizona Republican, 22 July 1915, 1.

325 "An Out of Season Effort," Phoenix Arizona Republican, 24 July 1915, 4.

326 "Try Again to Save Slayers from Hanging," Phoenix Arizona Republican, 27 July 1915, 1,8.

327 Ibid.

328 See "Execution of Murderers is Not Expected," Phoenix Arizona Republican, 28 July 1915, 1,3.

329 "Lansing Asks Postponement of Execution," Phoenix Arizona Republican, 29 July 1915, 1. See also "Theory Right, Facts Wrong," Phoenix Arizona Republican 7 August 1915, 4 (editorial attacking Lansing's request as unwise and unwarranted federal intervention). Robert Lansing became Secretary of State when William Jennings Bryan left President Woodrow Wilson's cabinet over the administration's policy toward Germany. See "Bryan Leaves Wilson's Cabinet Opposing Policy Toward Germany," Phoenix Arizona Republican, 9 June 1915, 1,4.

330 Ibid. See also "The Extended Farce," Phoenix Arizona Republican, 29 July 1915, 4 (we should not let foreign citizenship block enforcement of American criminal laws).

331 See generally "Murderers Saved by Strenuous Effort, How Shattered Program Was Rearranged," Phoenix Arizona Republican, 30 July 1915, 1,6. See also "Gallows Shadow Rests Lightly at Florence," Phoenix Arizona Gazette, 30 July 1915, 12.

332 See "Pinkley Bill is Initiated," Phoenix Arizona Republican, 30 July 1915, 6. See also "The Pinkley Bill," Phoenix Arizona Republican, 4 August 1915, 4 (good explanation of the initiative measure).

333 "Oh, This Miserable Fiasco!," Phoenix Arizona Republican, 31 July 1915, 4.

334 See, e.g., "It Was Very Interesting," Phoenix Arizona Republican, 1 August 1915, 1 (editorial complaining that there were no extenuating circumstances or sufficient reasons for Judge McAlister's actions).

335 See, e.g., "Early Action on the Cases of Murderers," Phoenix Arizona Republican, 1 August 1915, 1.

336 See, e.g., "Appeals of Mexicans Reach Supreme Court," Phoenix Arizona Republican, 10 August 1915, 8.

337 "Claim Many Errors In Villalobos Case," Phoenix Arizona Republican, 17 August 1915, 3 (the attorneys alleged 57 separate assignments of error). See also "Re-Sentencing of Murderers to be Urged," Phoenix Arizona Republican, 23 August 1915, 1.

338 See "Governor Hunt Gives Executives His View Of The Death Penalty," Phoenix Arizona Republican, 27 August 1915, 1,3; "Governor Dunne Raises Voice for Anti-Hangers," Phoenix Arizona Gazette, 26 August 1915, 1 (participation of Governor Hunt in a panel discussion on abolition of the death penalty).

339 The booklet is rare today and the text is provided in Appendix G. An original is on file at the Arizona State Archives, State Capitol, Phoenix, Arizona.

340 Villalobo [sic] v. State, 17 Ariz. 261, 161 P. 946 (1915). See also "Supreme Court Dismisses Villalobos' Tardy Appeal," Phoenix Arizona Republican, 18 September 1915, 1,4; "The Abuse of the Law," Phoenix Arizona Republican, 19 September 1915, 4 (editorial supportive of the state supreme court and critical of useless appeals).

341 See "File Motion Today to Resentence Villalobos," Phoenix Arizona Republican, 23 September 1915, 1; "Ramon Villalobos Resentenced to Hang December 10," Phoenix Arizona Republican, 25 September 1915, 1 (the resentencing judge was Pinal County Superior Court Judge Otis Baughn); "Move Rehearing of Villalobos Case," Phoenix Arizona Republican, 2 October 1915, 8; "Rehearing is Again Denied to Villalobos," Phoenix Arizona Republican, 8 October 1915, 6 (the state supreme court declined to hear any more from Villalobos).

342 Kermeen v. State, 17 Ariz. 263, 151 P. 738 (1914). See also "Kermeen Must Die Nov. 4, Supreme Court Decision," Phoenix Arizona Republican, 20 September 1915, 1.

343 Faltin v. State, 17 Ariz. 278, 151 P. 952 (1915); Leonard and Tomlin v. State, 17 Ariz. 293, 151 P. 947 (1915). See also "Faltin, Leonard and Tomlin Lose Appeals--Hang Nov. 26," Phoenix Arizona Republican, 24 September 1915, 1.

344 "Doomed Men's Last Chance," Phoenix Arizona Republican, 20 October 1915, 6. See also "Taylor Freed on his Parole," Phoenix Arizona Republican, 30 October 1915, 3 (proof that the pardons board could still recommend clemency on occasion); "Jones Away, Pardon Board Routine Only," Phoenix Arizona Republican, 30 October 1915, 10. But see, "Murderers to Hang, Opinion," Phoenix Arizona Republican, 26 October 1915, 8 (prediction that the board members will let the five men hang); "Condemned Men Will Probably Hang," Tucson Citizen, 26 October 1915, 5.

345 See, e.g., "Believe Hunt Has Lost Ground," Phoenix Arizona Republican, 22 October 1915, 3 (believed that Attorney General Wiley E. Jones might run against Hunt in the 1916 primary).

346 "Mesa Voters Ask Re-Call of Gov. Hunt," Phoenix Arizona Republican, 24 October 1915, 1,7.

347 See, e.g., "Recall Movement is not General One," Phoenix Arizona Republican, 26 October 1915, 1 (Hunt's opinion); "The Shorter Term Passed," Phoenix Arizona Republican, 28 October 1915, 10 (Hunt replies on recall).

348 See "Capital Punishment," Phoenix Arizona Republican, 25 October 1915, 4 (letter to the editor in favor of imposing death penalty); "A Vitriolic Denunciation of Gov. Hunt," Phoenix Arizona Republican, 27 October 1915, 1,3 (attack by the Mesans); "Exact Works of Mr. Akers," Phoenix Arizona Republican, 28 October 1915, 5 (verbal indictment of Hunt).

349 See "Record of Meeting of Pardon Board," Phoenix Arizona Republican, 15 November 1915, 8.

350 Id. See also "Mesa Murderers' Joy at News of Reprieve," Phoenix Arizona Republican, 15 November 1915, 7.

351 See "The Board of Pardons and Paroles," Phoenix Arizona Republican, 14 November 1915, 4.

352 See "Tomlin and Leonard Saved; Board Reprieves Kermeen," Phoenix Arizona Republican, 13 November 1915, 4; "Record of Meeting of Pardon Board," Phoenix Arizona Republican, 15 November 1915, 7. See also "Kermeen Gets Three Weeks' Reprieve," Tucson Citizen, 19 November 1915, 5.

353 Rev. Stat. Ariz., Penal Code, secs. 1141-1144 (1913).

354 See generally Ford v. Wainwright, 477 U.S. 399, 406-408, 106 S. Ct. 2595, 2600-2602 (1986) (excellent review of the law on this issue).

355 "Death Trap is not Sprung Again; The Governor steps In," Phoenix Arizona Republican, 19 November 1915, 6.

356 See "Door Closed Upon Faltin," Phoenix Arizona Republican, 23 November 1915, 5; "Door Closed Upon Faltin," Tucson Citizen, 23 November 1915, 1.

357 "Faltin Awaits Fatal Drop at Florence," Phoenix Arizona Republican, 25 November 1915, 5.

358 "Things Point to Effort to Save Faltin," Phoenix Arizona Republican, 26 November 1915, 1,4.

359 Ibid.

360 "Sims Hears Faltin Insane; Refuses to Hang Murderer," Phoenix Arizona Republican, 27 November 1915, 1,5; "Faltin Hanging is Postponed by Prison Head," Tucson Citizen, 26 November 1915, 1.

361 See, e.g., "The Insanity Dodge," Phoenix Arizona Republican, 27 November 1915, 4.

362 "Hunt Says Sims Acted on Own Hook to Save Faltin," Phoenix Arizona Republican, 27 November 1915, 5.

363 See "The Harmony That Exists in Arizona Among Officials," Phoenix Arizona Republican, 28 November 1915, 1,9; "Jones Petitions Court to Cite Warden for Contempt," Tucson Citizen, 27 November 1915, 1.

364 See "Pardon Board Fails to See Sims' Loophole," Phoenix Arizona Republican, 27 November 1915, 5.

365 "Justices Ross and Franklin Sign Sims' Contempt Citation," Phoenix Arizona Republican, 28 November 1915, 1; "Supreme Court Cites Sims, To Answer Dec. 2," Tucson Citizen, 29 November 1915, 1.

366 "Procedure Devious; Insanity Dodge Is Not Only Evasion," Phoenix Arizona Republican, 28 November 1915, 1. See also "Playing Horse With the Law," Tucson Citizen, 27 November 1915, 4.

367 "Recall Move's Latest Start," Phoenix Arizona Republican, 30 November 1915, 5. See also "Defying the Law and the Courts," Tucson Citizen, 1 December 1915, 4.

368 "Sims' Resignation Not a Thing to Worry About," Phoenix Arizona Republican, 30 November 1915, 5 (Hunt denied the rumors).

369 "Supreme Court Censures Sims for Faltin Fiasco," Phoenix Arizona Republican, 3 December 1915, 1,2; "Supreme Court Censures Sims," Tucson Citizen, 3 December 1915, 1; "Sims' Delay Evidence of His Subterfuge, Stand of Jones," Phoenix Arizona Republican, 2 December 1915, 1. See also "Supreme Court Hearing Sims Contempt Case," Tucson Citizen, 2 December, 1915, 1,6.

370 See State ex rel. Jones v. Sims, 17 Ariz. 410, 153 P. 451 (1915). See also "Sims Overstepped Powers in Faltin Case, But is Acquitted," Phoenix Arizona Republican, 12 December 1915, 1,10; "The Law Laid Down," Phoenix Arizona Republican, 12 December 1915, 1; "A Satisfactory Ending," Phoenix Arizona Republican, 13 December 1915, 4 (Sims erred on the side of mercy but the court's warning served its purpose).

371 See generally "Fight to Save Murderers Ends; They Hang, Says Hunt," Phoenix Arizona Republican, 3 December 1915, 10; "It Was Characteristic of Arizona Gazette," Phoenix Arizona Republican, 4 December 1915, 4 (supposed disavowal of end of fight by Hunt).

372 Ibid.

373 "Faltin's Date Second Time Friday Jan. 7," Phoenix Arizona Republican, 4 December 1915, 4; "Wm. Faltin Hears Sentence of Death for 3rd Time," Tucson Citizen, 3 December 1915, 1. See also "Cold But Jaunty, Faltin Arrives Full of Words," Phoenix Arizona Republican, 2 December 1915, 1,2 (arrival for resentencing); "Faltin Sanity Case May Be Heard Here," Phoenix Arizona Republican, 3 December 1915, 1; "Faltin is Interested in the European War," Phoenix Arizona Republican, 6 December 1915, 5.

374 "Villalobos Will Probably Hang," Phoenix Arizona Republican, 10 December 1915, 8.

375 "The Next Play to Save Neck of Villalobos," Phoenix Arizona Republican, 9 December 1915, 5.

376 See "Villalobos Will Probably Hang," Phoenix Arizona Republican, 10 December 1915, 8.

377 See Appendix A, No. 97; "Villalobos is Hanged; Claims His Innocence," Phoenix Arizona Republican, 11 December 1915, 1,5; "Death Cord Cuts Short Life of Phin Brown's Slayer," Phoenix Arizona Gazette, 10 December 1915, 1,5; "First Execution Under Hunt Regime Today," Tucson Citizen, 10 December 1915, 1. See also "Interests are Behind Move for Recall--Hunt," Tucson Citizen, 11 December 1915, 1 (As Hunt said, "Mr. Sims and I feel that we have done everything we could do, in the matter of these men, and we will attempt nothing further.").

378 See, e.g., "That Event in Florence," Phoenix Arizona Republican, 11 December 1915, 4. See also "The Move to Recall Governor Hunt," Tucson Citizen, 11 December 1915, 4.

379 "Kermeen is Sane; Jury is Hearing Faltin Evidence," Phoenix Arizona Republican, 15 December 1915, 1,3.

380 See "Beauchamp, Hughes, Randall to Test Sanity of Faltin," Phoenix Arizona Republican, 13 December 1915, 1. See also "Officers Subpoened for Faltin Hearing," Phoenix Arizona Republican, 14 December 1915, 1.

381 "Faltin Insane; Jury Out Four Hours Report Him Irresponsible," Phoenix Arizona Republican, 16 December 1916, 1. See also "Republican's Policy Discussed in Court," Phoenix Arizona Republican, 16 December 1915, 1,7; "Insanity Plea Saves Faltin Up In Alaska," Phoenix Arizona Republican, 17 December 1915, 1,2 (rumor that Faltin had escaped a murder charge in Alaska in 1901 by faking insanity); "Murderers Jubilate Over Insane Verdict," Phoenix Arizona Republican, 17 December 1915, 4; "Insanity Hearings," Phoenix Arizona Republican, 17 December 1915, 4 (a judge should determine sanity, not a lay jury).

382 See "Faltin Now Housed in Insane Hospital," Phoenix Arizona Republican, 23 January 1916, 2.

383 "No Interference in Kermeen Case," Phoenix Arizona Republican, 4 January 1916, 8. See also "Pardon Board Won't Open Kermeen Case," Phoenix Arizona Republican, 1 January 1916, 5.

384 See "Only Pardons Board Can Save Kermeen's Life," Phoenix Arizona Republican, 7 January 1916, 1,2.

385 "W. W. Kermeen Reprieved at Gallows Door," Phoenix Arizona Republican, 8 January 1916, 1,2.

386 "Kermeen Very Glad to Still Be Alive," Phoenix Arizona Republican, 8 January 1916, 12.

387 See "Frank Trott is Nominated," Phoenix Arizona Republican, 27 January 1916, 5.

388 "Curt W. Miller New Chairman Pardons Board," Phoenix Arizona Republican, 6 February 1916, 6.

389 "Miller Enrolls on Pardon Board," Phoenix Arizona Republican, 18 February 1916, 3.

390 "Kermeen Case Decided Today," Phoenix Arizona Republican, 9 March 1912, 12.

391 "Kermeen is Saved From Gallows," Phoenix Arizona Republican, 10 March 1916, 1,3. See also "Six Men Released From Penitentiary," Phoenix Arizona Republican, 24 March 1916, 8 (releases for prisoners convicted for crimes ranging from theft to murder); "Short Parole for Sid Henry," Phoenix Arizona Republican, 2 May 1916, 10; "Pardoned in June in Toils Again," Phoenix Arizona Republican, 14 July 1916, 10.

392 See "Near Death, He Would Meet End Out Of Prison," Phoenix Arizona Republican, 2 September 1917, 10.

393 "Frees Man to Die Outside of Prison," Phoenix Arizona Republican, 6 September 1917, 5.

394 "Kermeen, Paroled, Arrives in Phoenix," Phoenix Arizona Republican, 7 September 1917, 2.

395 "W.W. Kermeen Dead; Justice Takes Its Due," Phoenix Arizona Republican, 1 February 1918, 12.

396 "Victims of 7 Reprieves to Die, Decision," Phoenix Arizona Republican, 1 April 1916, 5.

397 Ibid. See also "Rodriguez to be Resentenced," Phoenix Arizona Republican, 28 April 1916, 5.

398 "Cool in Face of Judgment," Phoenix Arizona Republican, 2 May 1916, 10.

399 "Final Appeal Made to Board," Phoenix Arizona Republican, 16 May 1916, 4. See also "Jones Refused to Talk for Board," Phoenix Arizona Republican, 13 May 1916, 9 (rumors that the board was irrevocably against further efforts to save the four condemned men).

400 "Lelevier Says Rodriguez is Likely to Hang," Phoenix Arizona Republican, 18 May 1916, 1.

401 "Pardon Board Will Not Act," Phoenix Arizona Republican, 18 May 1916, 8.

402 "Judge Kent Prepares Letter in Attempt to Save Murderer," Phoenix Arizona Republican, 19 May 1916, 9.

403 "Wife's Photo in Rodriguez' Death Clothes," Phoenix Arizona Republican, 20 May 1916, 1,2.

404 "He Died Many Times," Phoenix Arizona Republican, 21 May 1916, 4.

405 Ibid.

406 See Appendix A, Nos. 93-101, inclusive.

407 See Appendix C.

408 "Three Hangings Set for June 9," Phoenix Arizona Republican, 25 May 1916, 6.

409 "One Will be Hanged Friday," Phoenix Arizona Republican, 8 June 1916, 10.

410 Ibid.

411 "Chavez Died Game to End," Phoenix Arizona Republican, 10 June 1916, 5.

412 "High Court Holds Talley Must Hang," Phoenix Arizona Republican, 2 July 1916, 4. See also Talley v. State, 18 Ariz. 309, 159 P. 59 (1916).

413 "M. Peralta is Hanged," Phoenix Arizona Republican, 8 July 1916, 6.

414 See Appendix A, No. 105.

415 See "Twelve Measures Will Come Before People at Primary Election," Phoenix Arizona Republican, 6 August 1916, 4,10. See also "Large Majority of Initiative Measures Receive the Required Number of Signers; Long Count," Phoenix Arizona Republican, 7 July 1916, 5.

416 See, e.g., "Gov. Hunt is Seriously Ill," Phoenix Arizona Republican, 10 September 1916, 4; "Hunt Campaign Finished Without Its Leader," Phoenix Arizona Republican, 11 September 1916, 4.

417 "Governor Hunt is Renominated Over Geo. Olney," Phoenix Arizona Republican, 13 September 1916, 1,2 (victory over primary challenger George A. Olney).

418 "Talley Reprieved for Three Months," Phoenix Arizona Republican, 15 September 1916, 4. See also "Giving the People a Chance," Phoenix Arizona Republican, 16 September 1916, 4 (editorial critical of yet another delay in the imposition of a fully justified sentence).

419 "Jones Tells Why Talley Reprieved," Phoenix Arizona Republican, 17 September 1916, 8.

420 See "Maricopa Pulls Anti-Execution Measure Through," Phoenix Arizona Republican, 29 November 1916, 12.

421 "State Platform of the Republicans Endorses Suffrage, Prohibition," Phoenix Arizona Republican, 27 September 1916, 2.

422 See "Inspection Tour of Florence Pen," Phoenix Arizona Republican, 24 September 1916, 11 (tour of the prison by clergymen who met and spoke with condemned prisoner Talley).

423 1917 Ariz. Sess. Laws, Initiative and Referendum Measures, at 4-5.

424 See "The Official Canvass," Phoenix Arizona Republican, 19 November 1916, 4 (still waiting for the official results).

425 See "Death Penalty Probably Gone From Arizona," Phoenix Arizona Republican, 25 November 1916, 3.

426 "Something Unintended," Phoenix Arizona Republican, 27 November 1916, 4.

427 "Gov. Hunt Puts New Laws Into Effect Today," Tucson Citizen, 8 December 1916, 1.

428 See "One Killed In Mexican Raid on Buckeye Bank," Phoenix Arizona Republican, 6 December 1916, 1,2.

429 "Three Shot in Disorder After Mexican's Arrest," Phoenix Arizona Republican, 7 December 1916, 5.

430 "A Law on Trial," Phoenix Arizona Republican, 8 December 1916, 4. See also "A Law on Trial," Tombstone Epitaph, 17 December 1916, 1.

431 See, e.g., "Demos Practically Concede Election, Campbell Governor," Phoenix Arizona Republican, 9 November 1916, 1,3.

432 See, e.g., "Official Returns In for State Election; Hunt's Fight Starts," Phoenix Arizona Republican, 7 December 1916, 1.

433 Campbell v. Hunt, 18 Ariz. 442, 162 P. 882 (1917). See also "Supreme Court Seats Campbell as Governor," Phoenix Arizona Republican, 28 January 1917, 1,3.

434 Hunt v. Campbell, 19 Ariz. 254, 169 P. 596 (1917). See also "Hunt Will be Governor by First of Year: Arizona Supreme Court Unanimously Finds for Democratic Candidate," Phoenix Arizona Republican, 23 December 1917, 1,11; "The People Overruled," Phoenix Arizona Republican, 6 October 1918, 3 (extensive and provocative political advertisement by Campbell explaining how Hunt "stole" the 1916 election).

435 "Governor Hunt Takes Chair, Names Commission and Says Will Not Seek for Re-election," Phoenix Arizona Republican, 26 December 1917, 1,2.

436 "Faltin Makes Escape From Insane Asylum," Phoenix Arizona Republican, 1 January 1917, 1,2.

437 "Justice Holds an Empty Bag," Phoenix Arizona Republican, 1 January 1917, 4.

438 "Faltin Recaptured Mid More Mystery," Phoenix Arizona Gazette, 6 January 1917, 1.

439 See, e.g., "John H. Holt, 15 Years Old, is Murdered on Vacant Lot Near Main Street in Mesa," Phoenix Arizona Republican, 5 February 1917, 10.

440 Appendix A, No. 104.

441 "Mob Violence," Tucson Arizona Daily Star, 8 May 1917, 4.

442 See "Daley Hanged in Early Morn for Double Crime," Phoenix Arizona Republican, 7 May 1917, 1,2; "Mob Recites Prayer Then Hangs Slayer," New York Times, 7 May 1917, 10; "Mob and Rope Avenge Woman," Los Angeles Daily Times, 7 May 1917, 1-8; "Slayer Taken From Deputies and Is Hanged," Salt Lake Tribune, 7 May 1917, 1,2; "Pursuers in 100 Autos Catch and Lynch Slayer," San Francisco (footnote continued)

(footnote continued from previous page)
Chronicle, 7 May 1917, 1,2; "Lynching in Arizona,"
Washington Post, 7 May 1917, 1; "Lynch Slayer of Salesman
 for Chicago House," Chicago Daily Tribune, 7 May 1917, 1;
 "Mob Prays, Swings Slayer to Death," Cleveland Plain
 Dealer, 7 May 1917, 1,2.

443 See Appendix A, No. 75.

444 See "No Movement to Prosecute Daley Mob,"
Tucson Citizen, 7 May 1917, 1, 6. See also "Justifiable
 Homicide," Bisbee Daily Review, 8 May 1917, 4.

445 See, e.g., "Fourth Murder Added to List,"
Phoenix Arizona Republican, 8 May 1917, 3.

446 See "Faltin is Sane, Says Dr. Wells," Phoenix
 Arizona Republican, 19 August 1917, 1,2.

447 See, e.g., "First Pardon of Campbell's To Blind
 Man," Phoenix Arizona Republican, 6 February 1917, 10;
 "Parole Granted Because Man is Cancer Victim," Phoenix
 Arizona Republican, 15 March 1917, 3; "Paroles Given to
 Sid Green and H. Wright," Phoenix Arizona Republican, 16
 March 1917, 3; "Paroles Given Prisoner Held in County
 Jail," Phoenix Arizona Republican, 13 June 1917, 4; "Many
 Paroles Bring Liberty to Prisoners," Phoenix Arizona
 Republican, 27 July 1917, 3 (29 paroles and 2 pardons).

448 See "Faltin Still in Shadow of the Gallows,"
Phoenix Arizona Republican, 20 August 1917, 8.

449 "Faltin Can Be Legally Hanged, Says Atty. Gen.,"
Phoenix Arizona Republican, 24 August 1917, 10.

450 Ibid.

451 In re Faltin, 31 Ariz. 465, 254 P. 477 (1927).
See also "Supreme Court Rules Wm. Faltin Must Hang for
 Peterson Murder," Phoenix Arizona Republican, 29 March
 1927, 1,4; "Faltin Must Hang," Phoenix Arizona Gazette,
 28 March 1927, 1,4.

452 In re Faltin, 275 U.S. 522, 48 S. Ct. 22 (1927).

453 "Faltin Must Die on June 15 for Murder 15 Years
 Ago," Phoenix Arizona Republican, 1 April 1928, 1,2.

454 "Faltin Given Four Weeks' Stay of Execution by
 State Pardon and Parole Board," Phoenix Arizona
 Republican, 15 June 1928, 2,4.

455 "Faltin Given Life Term in State Prison," Phoenix Arizona Gazette, 13 July 1928, 1,2.

456 "Faltin Granted Life Sentence," Tucson Arizona Daily Star, 13 July 1928, 2.

457 "Oldest Convict Died Thursday," Florence Blade-Tribune, 16 January 1953, 8; "Gallows Escapee Dies in Prison After 40 Years," Phoenix Arizona Republican, 16 January 1953, 1.

458 "Thirteen Murders in Eight Months Maricopa Record," Phoenix Arizona Republican, 31 August 1917, 6. See also "Murders Double Since Abolition of Death Penalty," Ray Arizona Copper Camp, 10 November 1917, 1.

459 "Abolition of Capital Punishment is a Failure," Phoenix Arizona Republican, 8 December 1917, 1.

460 Ibid.

461 See "Growing Colony of 'Lifers'," Phoenix Arizona Republican, 11 January 1918, 4.

462 For divergent accounts of this event, see Tom Power, Shoot-Out at Dawn: An Arizona Tragedy (Phoenix: Phoenix Books, 1981) (confrontation a mistake); and, Darvil B. McBride, The Evaders or Wilderness Shoot-Out: The Story of the Power Affair, (Pasadena: Pacific Book & Printing, 1984) (Power brothers were responsible). See also "Authentic Account of Murder of Sheriff and Deputies Comes," Phoenix Arizona Republican, 12 February 1918, 1; "Graham County Murderers Captured in Mexico by Cavalry of United States," Phoenix Arizona Republican, 9 March 1918, 1,2; "Powers-Sisson Trio Guilty is Jury Verdict," Phoenix Arizona Republican, 18 May 1918, 6; "Powers-Sisson in County Jail Here," Phoenix Arizona Republican, 22 May 1918, 2.

463 See, e.g., "The Graham County Affair," Phoenix Arizona Republican, 13 February 1918, 4. See also "Capital Punishment," Phoenix Arizona Republican, 16 April 1918, 4 (letter to the editor asking for restoration of the death penalty as an essential safeguard of society); "Human Life in Arizona," Tombstone Prospector, 8 August 1918, 1 (attempted murder shows need for death penalty).

464 Journal Senate, First Special Session, 48, 66 (1918).

465 "Punishment Bill Seems Destined to Fail to
pass," Phoenix Arizona Republican, 26 May 1918, 2.

466 Ariz. Const. art. 4, pt. 2, sec. 3 (1910).

467 Journal Senate, First Special Session, 3-5, 8-23
(1918).

468 "Punishment Bill Seems Destined to Fail to
pass," Phoenix Arizona Republican, 26 May 1918, 2.

469 Ibid.; Journal Senate, First Special Session, 48
(1918).

470 Journal Senate, First Special Session, 53-54
(1918).

471 "Restoration of the Death Penalty Comes Up
Again," Phoenix Arizona Republican, 28 May 1918, 10.

472 The text of the provision follows:
SENATE JOINT RESOLUTION NO. 4.

WHEREAS, the supreme function of government is the preservation of the life of its humblest citizen, and the annals of the human race since the first tentative efforts at written history teach not only criminologist but to all mankind, the reiterated fact that in time of war crime is rampant and the number of criminals increased; and

WHEREAS, history has shown beyond the shadow of a doubt, that in times of war consideration of the rights of fellow men is lessened, and human life is cheapened, at the expense of the State; and

WHEREAS, we have learned the lesson taught by the history of all times, and these recurrent waves of crime can only be suppressed by severity of punishment;

THEREFORE, BE IT RESOLVED, by the Senate of Arizona, the House of Representatives concurring:

That the Legislature of the State
(footnote continued)

(footnote continued from previous page)
 of Arizona, by the approval of both Houses, does propose and approve for submission to the vote to the people, as provided in the Constitution, the following amendment to the Constitution of the State of Arizona:

That Section 5 of Article V of the Constitution of the State of Arizona entitled "Executive Department" be and is hereby amended to read as follows, to-wit:

Section 5. Every person guilty of murder in the first degree shall suffer death or imprisonment in the State prison for life, at the discretion of the jury trying the same, or, upon the plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the State prison not less than ten years. The Governor shall have power to grant reprieves, commutations, and pardons, after convictions, for all offences except treason and cases of impeachment. He shall have power to grant paroles upon such conditions and with such restrictions and limitations as may be provided by law.

Journal Senate, First Special Session, 54 (1918).

473 "Legislature Must Stick to Matters Mentioned in Call, "Phoenix Arizona Republican, 29 May 1918, 10.

474 Journal Senate, First Special Session, 60, 65-66 (1918).

475 Journal Senate, First Special Session, 65-66 (1918).

476 See "People to Act on Restoring of Hanging Law," Phoenix Arizona Republican, 30 May 1918, 12.

477 See "Little Boy is Murder Victim of Inhuman Fiend," Phoenix Arizona Republican, 8 June 1918, 6; "Slayer of Boy Surrounded is Sheriff Report," Phoenix Arizona Republican, 9 June 1918, 6.

478 Journal House, First Special Session, 131-132 (1918).

479 See "Restoration of Hanging Law Up to Legislature," Phoenix Arizona Republican 9 June 1918, 1,2. See also "Look for Close of Special Session to Come This Week," Phoenix Arizona Republican, 10 June 1918, 5.

480 See "Legislature in Action, Finally is progressing," Phoenix Arizona Republican, 12 June 1918, 1; Journal House, First Special Session, 155 (1918).

481 "Legislature Has Defense Council Measure Up Again," Phoenix Arizona Republican, 13 June 1913, 1,3.

482 Journal Senate, First Special Session, 182 (1918).

483 "Legislature is About Through With Business," Phoenix Arizona Republican, 14 June 1918, 1,8.

484 "Death Petitions Filed With State," Phoenix Arizona Republican, 21 June 1918, 12.

485 Ibid.; "People Certain to Vote on Amendment," Phoenix Arizona Republican, 2 July 1918, 4.

486 "Seven Amendments to Go Upon Ballot," Phoenix Arizona Republican, 4 July 1918, 3.

487 "Capital Punishment," Phoenix Arizona Republican, 16 July 1918, 4.

488 "Capital Punishment," Phoenix Arizona Republican, 4 August 1918, 5.

489 "Capital Punishment," Phoenix Arizona Republican, 22 October 1918, 4 (editorial reviewing the death penalty in Arizona from 1912 to 1918 and noting the sharp drop in homicides following both the electoral defeat of the abolition measure in 1914 and the 1916 executions). A Tucson newspaper approvingly reprinted this editorial verbatim: "Capital Punishment," Tucson Arizona Daily Star, 23 October 1918, 4. See also "These Are All Good Measures," Phoenix Arizona Republican, 4 November 1918, 4 (editorial urging electoral reinstatement of capital punishment).

490 Even the Phoenix Arizona Gazette came out strongly in favor of reinstatement. "Vote for All of Them," Phoenix Arizona Gazette, 26 October 1918, 4.

491 See "Primary Election Today Shows Many Exciting Contests," Phoenix Arizona Republican, 10 September 1918, 1; "Colter Wins Democratic Nomination," Phoenix Arizona Republican, 11 September 1918, 1.

492 See, e.g., "Where Tom Campbell Stands," Phoenix Arizona Republican, 15 September 1918, 7 (political advertisement for Campbell); "Thomas E. Campbell Fires First Gun in Republican Campaign," Phoenix Arizona Republican, 26 September 1918, 2.

493 Ariz. Const., art 4, pt. 2, sec. 5 (1910). This restriction was eliminated in 1938. 1939 Ariz. Sess. Laws, Initiative Measures, 370-71. See also "'Absurd,' Says Colter as to Non-Eligibility," Phoenix Arizona Republican, 22 September 1918, 12; "An Open Letter," Phoenix Arizona Republican, 23 October 1918, 4; "Colter's Open Reply," Phoenix Arizona Republican, 23 October 1918, 8; "Denies He Will be Governor Next Year," Phoenix Arizona Republican, 26 October 1918, 6 (Hunt denies that he will stay in office even if Colter is elected and then disqualified to assume the governorship).

494 See, e.g., "Choice for Governor in Doubt," Phoenix Arizona Republican, 6 November 1918, 1; "Campbell Seems to Have Been Chosen with 500 Plurality," Phoenix Arizona Republican, 7 November 1918, 1,2.

495 See, e.g., "Huns Capitulate to Terms Set Out by Pres. Wilson," Phoenix Arizona Republican, 13 October 1918, 1; "No Peace With Kaiser! Only People May Rule," Phoenix Arizona Republican, 24 October 1918, 1; "Austrian Appeal Complicates All Peace Arguments," Phoenix Arizona Republican, 30 October 1918, 1; "Twenty-Four Hours Likely to Settle Peace of Entire World," Phoenix Arizona Republican, 5 November 1918, 1; "Huns Sign Armistice, World War is Over!," Phoenix Arizona Republican, 11 November 1918, 1.

496 See, e.g., "Phoenix Boy Downs Nine German Balloons," Phoenix Arizona Republican, 19 September 1918, 1; "Frank Luke, Jr. Gets New Glory on French Line," Phoenix Arizona Republican, 1 October 1918, 1,2; "Want Phoenix Arizona Ace to Fly Here Fair Week," Phoenix Arizona Republican, 1 October 1918, 4; "Sister of Frank Luke Called into Service as Nurse," Phoenix Arizona Republican, 6 October 1918, 10; "They Take Cap Off to Lieutenant Luke, the Phoenix 'Ace,'" Phoenix Arizona Republican, 7 October 1918, 5; "Not Quite the Thing," Phoenix Arizona Republican, 12 October 1918, 4; "Luke Sensation of American Aviation Paris Herald Says," (footnote continued)

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Phoenix Arizona Republican, 25 October 1918, 4; "Lieut. Frank Luke of This City, Most Daring Aviator, Reported Missing at Front," Phoenix Arizona Republican, 28 October 1918, 1; "Frank Luke Better Known Than Pershing; Phoenix Hero Idolized by Fighting Men," Phoenix Arizona Republican, 28 October 1918, 4; "Waiting for Luke During the Night the Famous Boy Aviator Did Not Return," Phoenix Arizona Republican, 1 November 1918, 1. Luke's death in combat was finally confirmed after the Armistice was signed. See, e.g., "Frank Luke Killed in Action," Phoenix Arizona Republican, 26 November 1918, 1; "Stars and Stripes Tells of the Career of Frank Luke, Jr.," Phoenix Arizona Republican, 29 November 1918, 4; "Notify Fiance of Luke that Aviator is Dead," Phoenix Arizona Republican, 30 November 1918, 1; "Bravest of the Brave, Said of Frank Luke, Jr.," Phoenix Arizona Republican, 30 November 1918, 8.

497 See "Close Schools and Theaters and Ban All Public Meetings," Phoenix Arizona Republican, 8 October 1918, 10; "Arrested Under New Ordinance," Phoenix Arizona Republican, 18 October 1918, 2 (arrest of pool hall operator for violating quarantine ordinance).

498 "Candidates Depend Upon the Mail to Reach Voters This Year," Phoenix Arizona Gazette, 23 October 1918, 5.

499 See "A Political Moratorium," Phoenix Arizona Republican, 17 October 1918, 4.

500 "Senator Colter Recovering; Has Spanish 'Flu,'" Phoenix Arizona Republican, 28 October 1918, 5.

501 See, e.g., "Few Influenza Cases in City are Very Grave," Phoenix Arizona Republican, 10 October 1918, 10; "Fewer Cases of Influenza are Reported Here," Phoenix Arizona Republican, 11 October 1918, 12; "No Decrease in Number of Cases of Influenza," Phoenix Arizona Republican, 13 October 1918, 12; "The Influenza Situation," Phoenix Arizona Republican, 14 October 1918, 4; "State Fair is Not to Be Postponed," Phoenix Arizona Republican, 15 October 1918, 4; "Fewer Cases of Influenza in City is Report," Phoenix Arizona Republican, 15 October 1918, 10; "Influenza in City Still Has Firm Hold," Phoenix Arizona Republican, 16 October 1918, 10; "Little Change in Influenza Status," Phoenix Arizona Republican, 17 October 1918, 5; "State Fair is Postponed to December 2-9," Phoenix Arizona Republican, 17 October 1918, 10; "Hospital to be Opened in City for Influenza," Phoenix Arizona Republican, 18 October 1918, 8; "Ready to

(footnote continued)

506 "Ten Men Have Paid Penalty of Death at Arizona State Prison Since January 1912," Phoenix Arizona Republican, 4 October 1923, p.14 (report by the pardons board).

507 William J. Bowers, Legal Homicide: Death as Punishment in America, 1864-1982 (Boston: Northeastern University Press, 1984), 9.

508 Ibid. at 10.

509 Hugo Adam Bedau, ed., The Death Penalty in America: An Anthology, rev. ed., (Chicago: Aldine Publishing Co., 1968).

510 See Appendix A, No. 160.

511 See "78 Waiting to Die For Arizona Crimes," Tucson Citizen, 14 March 1988, 6A-7A.

512 408 U.S. 238, 92 S. Ct. 2726 (1972). See also "Court Finds Death Penalty Illegal as Generally Used," Phoenix Arizona Republic, 30 June 1972, 1,27.

513 See Arthur J. Goldberg, "The Death Penalty and the Supreme Court," Arizona Law Review 15 (1973): 355-368.

514 "Gallup Report Shows Public Backs Death Sentence," Phoenix Arizona Republic, 17 March 1972, 17.

515 1973 Ariz. Sess. Laws, ch. 138, sec. 5 (enacting the new death penalty statute as A.R.S. sec. 13-454).

516 Ibid. See also George Forster, "Resurrection of the Death Penalty: The Validity of Arizona's Response to Furman v. Georgia," Arizona State Law Journal (1974): 257-296 (good analysis of the 1973 law).

517 State v. Richmond, 114 Ariz. 186, 560 P.2d 41 (1976), cert. denied 433 U.S. 915, 97 S. Ct. 2988 (1977). See also 1977 Ariz. Sess. Laws ch. 142, sec. 58 (amending and renumbering A.R.S. sec. 13-454 to A.R.S. sec. 13-902); Comment, "Constitutionality of the Arizona Death Penalty Statute," Arizona Law Review 19 (1977): 504-532.

518 Richmond v. Cardwell, 450 F. Supp. 519 (D. Ariz. 1978). See also James E. Bache, "Criminal Sentencing--The Death Penalty," Arizona State Law Journal (1978): 285-296.

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(1) 1 April 1866

Jack Ewing (Anglo) was illegally executed by hanging by a mob in Arizona City (Yuma) for the 25 March 1866 murder of W. H. Wilson at that location.

SOURCE: "The Murder in Arizona City," Prescott Arizona Miner, 25 April 1866, 3; "Yuma County," Yuma Arizona Sentinel, 10 November 1877, 1.

(2) 16 September 1871
(approximate date)

Unnamed Hispanic male was illegally executed by gunfire by a mob at Wickenburg on the morning following his wounding of a local saloon

APPENDIX A

Executions in Arizona

(1863-1963)

(3) 24 May 1872
(approximate date)

Ramon Cordevo (Hispanic) was illegally executed by hanging at the Maricopa County Jail for his participation in the "Wickenburg Stage Massacre" of 4 November 1871.

SOURCE: "Letter From Phoenix," Prescott Weekly Arizona Miner, 1 June 1872, 4.

(4) 9 August 1872

Unnamed Hispanic male was illegally executed by gunshot for the murder of one of King S. Woolsey's employees near Stanwix Station.

SOURCE: H. H. Bancroft, The Works of Hubert Howe Bancroft, vol. 36, Popular Tribunals (San Francisco: The History Company, 1887), 728-29.

(5) 1 May 1873

Manuel Fernandez (Hispanic) was legally executed by hanging at Yuma for the murder of Mike McEntney.

(1) 2 April 1866

Jack Ewing (Anglo) was illegally executed by hanging by a mob in Arizona City (Yuma) for the 25 March 1866 murder of W. H. Wilson at that location.

SOURCE: "The Murder in Arizona City," Prescott Arizona Miner, 25 April 1866, 3; "Yuma County," Yuma Arizona Sentinel, 10 November 1877, 1.

(2) 16 September 1871
(approximate date)

Unnamed Hispanic male was illegally executed by gunfire by a mob at Wickenburg on the morning following his wounding of a local saloon patron.

SOURCE: "Summary Proceeding," Prescott Weekly Arizona Miner, 16 September 1871, 3.

(3) 24 May 1872
(approximate date)

Ramon Cordovo (Hispanic) was illegally executed by hanging at the Maricopa County Jail for his participation in the "Wickenburg Stage Massacre" of 4 November 1871.

SOURCE: "Letter From Phoenix," Prescott Weekly Arizona Miner, 1 June 1872, 4.

(4) 8 August 1872

Unnamed Hispanic male was illegally executed by gunshots for the murder of one of King S. Woolsey's employees near Stanwix Station.

SOURCE: H. H. Bancroft, The Works of Hubert Howe Bancroft, vol. 36, Popular Tribunals (San Francisco: The History Company, 1887), 728-29.

Manuel Fernandez (Hispanic) was legally executed by hanging at Yuma for the murder of Mike McCartney.

May 1873

Date of Execution

Circumstances

SOURCE: "From the Arizona Sentinel," Prescott Weekly Arizona Miner, 17 May 1873, 2; "Yuma," Tucson Weekly Arizona Citizen, 10 May 1873, 2.

(6) 24 June 1873

Domingo Garcia (Hispanic) was illegally executed by being beaten to death with war clubs by a mob of Pima Indians for the murder of the son of Pima Chief Antonio Azul the same day.

SOURCE: "Trouble With the Pimas," Tucson Arizona Citizen, 28 June 1873, 2; "The Pima Troubles," Tucson Arizona Citizen, 5 July 1873, 1.

(7) 3 July 1873

Mariano Tisnado (Hispanic) was illegally executed by hanging by a mob at Phoenix for the murder of Mr. Griffin in the Salt River Valley.

SOURCE: "The Salt River Hanging," Tucson Arizona Citizen, 19 July 1873, 1; "We Are Informed," Tucson Arizona Citizen, 12 July 1873, 2.

(8) 8 August 1873

(9)
(10)
(11) Leocardo Cordova, Clemente Lopez and Jesus Saguaripa (Hispanics) were illegally executed by hanging by a mob at Tucson for the 6 August 1873 murder of Vincente Hernandez and Librada Chavez at Tucson. The same mob illegally hanged John Willis (Anglo) for the 29 November 1872 murder of Robert Swope at Sanford.

SOURCE: "Murder and Retribution," Tucson Arizona Citizen, 9 August 1873, 3.

- (12) 27 September 1873
(approximate date)
- Unnamed Hispanic male was illegally executed by hanging by a group of "citizens" near Kenyon Station for the murder of Edward Lumley.
- SOURCE: "We Understand," Tucson Arizona Citizen, 27 September 1873, 2.
- (13) 11 December 1874
- Ventura Nunez (Hispanic) was illegally executed by hanging by a mob at Burk's Station for the 7 July 1874 murder of G. R. Whistler at that location.
- SOURCE: "Chronological Events of the Last Year," Prescott Weekly Arizona Miner, 22 January 1875, 2.
- (14) 6 August 1875
- Manuel Abiles (Hispanic) was legally executed by hanging at Prescott for the March 1874 murder of "Gregorio" at Prescott.
- SOURCE: "The Agony Over," Prescott Weekly Arizona Miner, 6 August 1875, 3.
- (15) 3 January 1876
- George Young (Anglo) was illegally executed by hanging by unidentified persons on 3 January 1876 for the attempted shotgun murder of Lewis Bailey at a Phoenix dance the same day.
- SOURCE: "Telegraphic: Territorial," Prescott Weekly Arizona Miner, 7 January 1876, 2.
- (16) 14 January 1876
- Michael DeHay (Anglo) was legally executed by hanging at Cerbat for the August 1875 murder of Esther Hemstock at Mineral Park.
- SOURCE: "Execution of Michael DeHay: His Statement to Our Correspondent," Prescott Weekly Arizona Miner, 21 January 1876, 2.

- (17) 4 August 1877
- Oliver P. McCoy (Anglo) was illegally hanged by a mob at Safford for the 3 August 1877 murder of J. P. Lewis near Safford.
- SOURCE: H. H. Bancroft, The Works of Hubert Howe Bancroft, vol. 36, Popular Tribunals (San Francisco: The History Company, 1887), 733; "J. P. Lewis Murdered by Oliver P. McCoy - Citizens Hang McCoy," Tucson Arizona Citizen, 18 August 1877, 4.
- (18) 16 November 1877
(19) (approximate date)
(20)
(21)
- William Snider, E. M. Overstreet, Pete Blanton and Joe Spencer (all Anglo) were illegally executed by gunfire by vigilante bands near St. Johns and Springerville for a series of recent murders.
- SOURCE: "The Little Colorado Desperadoes," Prescott Weekly Arizona Miner, 23 November 1877, 2; "The Little Colorado Troubles," Prescott Weekly Arizona Miner, 2 November 1877, 1.
- (22) 18 December 1877
- Charles Rice (Anglo) was illegally executed by hanging by a mob at Hackberry for the murder there of Frank McNeil the same day.
- SOURCE: H. H. Bancroft, The Works of Hubert Howe Bancroft, vol. 36, Popular Tribunals (San Francisco: The History Company, 1887), 733-34.
- (23) 15 March 1878
- James Malone (Anglo) was legally executed by hanging by the federal government at Prescott for the 10 January 1876 murder of Richard L. Lawler at Camp Mohave.
- SOURCE: "Execution of James Malone," Prescott Weekly Arizona Miner, 22 March 1878, 4.

- (24) 13 June 1878 John Setwright (Anglo) was illegally executed by hanging by a mob at Gillett for the 12 June 1878 murder of Sam Weir at Gillett.
- SOURCE: "Desperate Shooting and Mob at Gillett!," Prescott Weekly Arizona Miner, 14 June 1878, 2; "The Affair at Gillett," Prescott Weekly Arizona Miner, 21 June 1878, 2; Tucson Arizona Weekly Star, 27 June 1878, 3.
- (25) 22 June 1878
- (26) (approximate date) Two unnamed Hualapai Indians were illegally executed by hanging by a mob at Tom Ship's Ranch for the murder of John Curiton at Hackberry.
- SOURCE: "The Court of Judge Lynch," Yuma Arizona Sentinel, 22 June 1878, 1.
- (27) 13 December 1878
- (approximate date) Unnamed Hispanic male was illegally executed by hanging by a group of Planet residents for the attempted murder of Mr. Kimble, who later died.
- SOURCE: "Mr. Kimble," Prescott Weekly Arizona Miner, 13 December 1878, 4.
- (28) 22 August 1879
- (29) "McCloskey" (Anglo) was illegally executed by hanging by a mob at Phoenix for the 21 August 1879 wounding of John LeBarr. John Keller (Anglo) was illegally hanged by the same mob for the 19 August 1879 murder of Luke Monihon.
- SOURCE: James McClintock, "Murder and Lynching in Phoenix: The Phoenixites Take the Law in Their Own Hands," Prescott Weekly Arizona Miner, 22 August 1879, 2.

- (30) 26 November 1880
Demetrio Dominguez (Hispanic) was legally executed by hanging at Phoenix for the 26 November 1879 murder of William Thomas near Gillett.
SOURCE: "Demetrio Dominguez - Executed at Phenix [sic]," Prescott Weekly Arizona Miner, 3 December 1880, 3; "Neck-Tie Part at Phenix [sic]: Execution of the Murderer of Wm. Thomas," Prescott Weekly Arizona Miner, 26 November 1880, 3.
- (31) 8 July 1881
Thomas Harper (Anglo) was legally executed by hanging at Tucson for the 18 September 1880 murder of John Talliday near Bowie.
SOURCE: "Sentenced," Prescott Weekly Arizona Miner, 20 May 1881, 4; "Execution of Harper," Tombstone Daily Nugget, 10 July 1881, 3; "Harper's Doom" and "A Life For A Life," Tucson Arizona Weekly Star, 14 July 1881, 1; "Harper's Last Minutes," Prescott Weekly Arizona Miner, 15 July 1881, 1.
- (32) September 1881
(33)
Joseph Waters and William Campbell (both Anglo) were illegally executed by hanging at St. Johns for the murder of two men at the Blanchard Ranch.
SOURCE: Ward Adams, History of Arizona, vol. 2 (Phoenix: Record Publishing Co., 1930), 105; "Early Arizona Murder, Manhunt on Horseback, Lynching are Described," Phoenix Arizona Republic, 25 April 1948, 2-1.

- (34) 26 December 1881
William Lewis (Anglo) was illegally executed by hanging by a mob of railroad workers at Pittman's Flat for the 25 December 1881 murder of Charles Collins.
SOURCE: "Judge Lynch," Prescott Weekly Arizona Miner, 30 December 1881, 3; "The Late Lynching," Prescott Weekly Arizona Miner, 6 January 1882, 1.
- (35) 16 January 1882
John Williams (Anglo) was illegally executed by hanging by a mob on the line of the Atlantic & Pacific Railroad in Northern Arizona for the alleged theft of ninety dollars from Ote Anderson.
SOURCE: "Judge Lynch Again," Prescott Weekly Arizona Miner, 20 January 1882, 3; Prescott Weekly Arizona Miner, 27 January 1882, 3.
- (36) 3 February 1882
John W. Berry (Anglo) was legally executed by hanging at Prescott for the murder of Michael "Old Tex" Snore at Tip Top on 18 April 1881.
SOURCE: "Other Executions," Prescott Arizona Weekly Journal-Miner, 10 February 1886, 1; "Hanged," Chicago Daily Tribune, 4 February 1882, 5.
- (37) 10 February 1882
W. H. Hall (Anglo) was legally executed by hanging at Prescott for the 24 September 1881 murder of Mr. Bishop at Flagstaff.
SOURCE: "W. H. Hall Executed: The Death of Bishop Avenged," and "What W. H. Hall Has to Say," Prescott Weekly Arizona Miner, 10 February 1882, 3.

(38) 3 March 1882

(39)

(40)

Three Apache Indian army scouts, known as "Dandy Jim," "Deadshot" and "Skippy," were legally executed by hanging by the federal government at Fort Grant for their participation in the Cibicue Mutiny of 30 August 1881 which resulted in the deaths of several officers and men.

SOURCE: Will C. Barnes, Apaches & Longhorns (Los Angeles: Ward Ritchie Press, 1941), 88-89; "The Gallows," Tucson Weekly Citizen, 5 March 1882, 2; "Hentig Avenged," Tucson Arizona Daily Star, 4 March 1882, 3.

(41) 6 July 1882

(42)

"Brown" and "Benjamin" (both Anglo) were illegally executed by hanging by a mob at Flagstaff for the murder of "Stone" and "Dietrich" the same day.

SOURCE: "The Flagstaff Killing: The Murderer and His Partner Lynched," Prescott Weekly Arizona Miner, 14 July 1882, 3.

(43) 24 August 1882

(44)

C. B. Hawley and L. V. Grimes (both Anglo) were illegally executed by hanging by a mob at Globe for the murder of Andy Hall and M. F. Vail near Globe a short time earlier.

SOURCE: "The Globe Fiends: Full Particulars of the Recent Robbery and Murder and Subsequent Necktie Party," Phoenix Arizona Gazette, 28 August 1882, 2; "The Stage," Yuma Arizona Sentinel, 26 August 1882, 3.

(45) 25 December 1882
(approximate date)

Tom Kerr (Anglo) was illegally executed by hanging at Pioneer for the murder of John Hartley.

- (46) 3 September 1883
(47)
- SOURCE: "Tom Kerr," Yuma Arizona Sentinel 30 December 1882, 3; "Shot in Head," Tucson Arizona Daily Star, 22 January 1922, 4.
- Len Redfield and Joe Tuttle (both Anglo) were illegally executed by hanging by a mob at Florence for the 10 August 1883 murder of John Collins near Riverside.
- SOURCE: "The Robbers Roped," Florence Arizona Weekly Enterprise, 8 September 1883, 2; "A Heartless Crime," Florence Arizona Weekly Enterprise, 18 August 1883, 2; "Judge Lynch's Work," Tucson Arizona Weekly Citizen, 8 September 1883, 1; "Summary Justice," Phoenix Arizona Gazette, 8 September 1883, 2.
- (48) 9 November 1883
(approximate date)
- Charles Williams (Anglo) was illegally executed by hanging by vigilantes near Harshaw for cattle rustling.
- SOURCE: "Shot and Lynched," Daily Phoenix Herald, 10 November 1883, 2; Tucson Weekly Citizen, 29 March 1884, 2.
- (49) 1 December 1883
- James J. Johnson (Anglo) was illegally executed by hanging by a mob at Coolidge for the recent murder of "Brantly."
- SOURCE: "At Coolidge," Daily Phoenix Herald, 7 December 1883, 3.
- (50) 27 December 1883
(51)
(52)
- Three unnamed Chinese were legally executed by hanging at Solomonville for the murder of another Chinese at Clifton.
- SOURCE: "Three Chinamen," Globe Arizona Silver Belt, 5 January 1884, 3; Tucson Weekly Citizen, 29

- (53) 22 February 1884
March 1884, 2; Joseph Miller, Arizona: The Last Frontier (New York: Hastings House, 1956), 172.
John Heith (Anglo) was illegally executed by hanging by a mob at Tombstone for his complicity in the murder of four people during the "Bisbee Raid" of 8 December 1883.
SOURCE: "TELEGRAPH," Tucson Arizona Weekly Citizen, 1 March 1884, 1.
- (54) 28 March 1884
(55)
(56)
(57)
(58)
Omer W. Sample, William Delaney, Dan Dowd, John Kelly and Tex Howard (all Anglo) were legally executed by hanging at Tombstone for the murder of four people during the "Bisbee Raid" of 8 December 1883.
SOURCE: "Last of the Bisbee Murderers," Tucson Arizona Weekly Citizen, 29 March 1884, 2;
"TELEGRAPH," Tucson Arizona Weekly Citizen, 15 December 1883, 1.
- (59) 14 April 1884
Joseph Casey (Anglo) was legally executed by hanging at Tucson for the 28 April 1883 murder of Jailer Holbrook at Tucson.
SOURCE: "Joseph Casey," Tucson Weekly Citizen, 19 April 1884, 3.
- (60) 30 August 1884
(approximate date)
"Fales" (Anglo) was illegally executed by hanging by a mob at Pinal for the recent murder of William C. O'Boyle at Pinal.
SOURCE: "A Sanguinary Affray at Pinal," Globe Arizona Silver Belt, 30 August 1884, 3.

(61) 12 September 1884

"Jesus" (Hispanic) was illegally executed by hanging by a posse of Mormon settlers for the murder of Mrs. W. N. Fife on 11 September 1884 in the Sulphur Springs Valley.

SOURCE: James McClintock, Mormon Settlement in Arizona (Tucson: University of Arizona Press, 1985; repr. Phoenix: Manufacturing Stationers, Inc., 1921), 291.

(62) 10 February 1886

Dennis W. Dilda (Anglo) was legally executed by hanging at Prescott for the 20 December 1885 murder of Deputy Sheriff Johnny Murphy in Chino Valley.

SOURCE: "Dennis W. Dilda: The Murderer of Deputy Sheriff Murphy Publicly Executed Today," Prescott Arizona Weekly Journal-Miner, 10 February 1886, 1.

(63) 19 January 1887

(64)

George Hawkes and his brother William Hawkes (both Anglo) were illegally executed by gunfire from a mob at Flagstaff for the 18 January 1887 murder of John N. Berry at Flagstaff.

SOURCE: "The Flagstaff Lynching," Prescott Arizona Weekly Journal-Miner, 26 January 1887, 1.

(65) 12 August 1887

Frank Wilson (Anglo) was legally executed by hanging at Prescott for the 21 May 1886 murder of Samuel Clevenger in the Buckskin Mountains.

SOURCE: "Frank Wilson Suffers for His Unhuman Crime," Phoenix Arizona Gazette, 13 August 1887, 4; "The Sentence," Prescott Arizona Weekly Journal-Miner, 6 July 1887, 1.

- (66) 2 March 1888
Martin Duran (Hispanic) was legally executed by hanging at Prescott for the 18 September 1887 murder of Reyes Baca at Prescott.
SOURCE: "Duran's Death," Prescott Arizona Weekly Journal-Miner, 7 March 1888, 1.
- (67) 11 August 1888
(68)
(69)
Billy Wilson, Jim Stott and James Scott (all Anglo) were illegally executed by hanging by a group of vigilantes near Holbrook for horse stealing.
SOURCE: Will C. Barnes, Apaches & Longhorns (Los Angeles: Ward Ritchie Press, 1941), 153-63; "The Pleasant Valley Lynching," and "A Rumored Lynching," Prescott Arizona Weekly Journal-Miner, 22 August 1888, 1.
- (70) 17 May 1889
"Firimino" (Papago Indian) was legally executed by hanging at Tucson for the June 1888 murder of "Ford."
SOURCE: "Execution of Firimino," Tucson Daily Citizen 17 May 1889, 4; "Firimino," Tucson Arizona Daily Star, 18 May 1889, 2.
- (71) 6 December 1889
(72)
Na-con-qui-say and Kah-dos-la (both Apache Indians) were legally executed by hanging at Florence. Na-con-qui-say was executed for the 3 June 1887 murder of "Diehl" near San Carlos. Kah-dos-la was executed for the 15 September 1888 murder of William Jones near Dudleyville.
SOURCE: "Good Indians," Florence Arizona Enterprise, 7 December 1889, 3. See also Jess G. Hayes, "And Then There Were None"--A Long

- (73) 27 December 1889
Buried Chapter in Arizona History (Globe, Arizona: Tyree Printing Service, 1965).
- Nah-Deiz-Az (Tonto Apache Indian) was legally executed by hanging at Globe for the 10 March 1887 murder of Lieutenant Seward Mott at the San Carlos Reservation.
- SOURCE: "Indian Hung," Phoenix Gazette, 29 December 1889, 1; "Indian Hung," Tucson Arizona Daily Star, 28 December 1889, 1. See also Jess G. Hayes, "And Then There Were None"--A Long Buried Chapter in Arizona History (Globe, Arizona: Tyree Printing Service, 1965).
- (74) 11 July 1890
El-Chees-Choos (Tonto Apache Indian) was legally executed by hanging at Solomonville for the 2 March 1890 murder of a teamster named Herbert near Fort Thomas.
- SOURCE: "Swung Into Eternity," Solomonville Graham County Bulletin, 18 July 1890, 3.
- (75) 13 August 1890
An unnamed Paiute Indian was illegally executed by his tribe at the demand of white miners for the 20 July 1890 murder of the Mineral Park and El Dorado Canyon mail carrier.
- SOURCE: "Killed by His Tribe," Prescott Arizona Weekly Journal-Miner, 13 August 1890, 2.
- (76) 19 June 1891
Antonio Ganado (Hispanic) was legally executed by hanging at Solomonville for the summer 1890 murder of his wife and daughter at Morenci.

(77) 29 June 1891

SOURCE: "Antonio Ganado Hung!,"
Solomonville Graham County
Bulletin, 26 June 1891, 3.

Frank Nelson (Black) was legally executed by hanging at Solomonville for the July 1890 murder of his mistress and child at Bonita.

(78) 9 July 1897

SOURCE: "Hung on Monday,"
Solomonville Graham County
Bulletin, 3 July 1891, 3.

Phillip Lashley (Black) was legally executed by hanging by the federal government at Tucson for the 9 April 1896 murder of John Sanders at Fort Huachuca.

(79) 8 June 1898

SOURCE: "The Death Penalty,"
Tucson Arizona Daily Citizen, 9
July 1897, 4; "Lashley Executed,"
Tucson Arizona Daily Star, 10 July
1897, 4.

James Parker (Anglo) was legally executed by hanging at Prescott for the 9 May 1897 murder of Lee Norris at the Prescott jail.

SOURCE: "Parker is Hanged,"
Prescott Arizona Weekly Journal-
Miner, 8 June 1898, 1; Parker v.
Territory, 5 Ariz. 283, 52 P. 361
(1898).

(80) 8 January 1900

George D. Smiley (Anglo) was legally executed by hanging at Holbrook for the 29 March 1899 murder of John McSweeney at Winslow.

SOURCE: "The Latest News:
Murderer Smiley Executed," Prescott
Daily Arizona Journal-Miner,
8 January 1900, 1; "Hanging of
Smiley," Phoenix Arizona
Republican, 9 January 1900, 1.

(81) 1 June 1900

Ramon Peineida (Hispanic) was legally executed by hanging at Solomonville for the July 1889 murder of Antonio Sears at Morenci.

SOURCE: "Swung Into Eternity," Solomonville Arizona Bulletin, 8 June 1900, 3.

(82) 16 November 1900

(83)

(84)

Thomas and William Haldermann (Anglo brothers) were legally executed by hanging at Tombstone for the March 1890 murder of Chester Ainsworth and Ted Moore in the Chirichahua Mountains. Santiago Ortiz (Hispanic) was legally executed by hanging at Yuma for the 11 August 1900 murder of William S. Moffatt at Harrisburg.

SOURCE: "Haldermann Boys Meet Death Bravely," Tucson Arizona Daily Citizen, 16 November 1900, 1; "Closing Scene," Tucson Arizona Daily Citizen, 17 November 1900, 1; Halderman [sic] v. Territory, 7 Ariz. 120, 60 P. 876 (1900). "The Fall of Ortiz," Phoenix Arizona Republican, 17 November 1900, 1; "Hanged at Yuma," Phoenix Arizona Gazette, 17 November 1900, 1.

(85) 21 November 1902

Augustin Chacon (Hispanic) was legally executed by hanging at Solomonville for the 25 December 1895 murder of Pedro Salcido near Bisbee.

SOURCE: "Chacon Died Gamely Protesting Innocence," Phoenix Arizona Republican, 22 November 1902, 1,3; "Augustin Chacon-His Execution," Solomonville Arizona Bulletin, 28 November 1902, 1; Chalon [sic] v. Territory, 5 Ariz. 208, 81 P. 1127 (1897).

(86) 31 July 1903
(87)

Francisco Rentaria and Elijo Hidalgo (both Hispanic) were legally executed by hanging at Prescott for the 1 February 1903 murder of Charles E. Goddard and Frank Cox at Goddard Station.

SOURCE: "The Ghost of Goddard Appeared by a Tragic Incident Which Occurred at Prescott Yesterday," Phoenix Arizona Republican, 1 August 1903, 1; "The Goddard Murderers Are Executed in Jail Yard Today," Prescott Arizona Journal-Miner, 31 July 1903, 1,8.

(88) 16 June 1905

Martin Ubillos (Hispanic) was legally executed by hanging at Yuma for the 16 August 1903 murder of Simon Alderete at the Yuma Territorial Penitentiary.

SOURCE: "Hanging of Ubillos," Phoenix Arizona Republican, 17 June 1905, 1; "Murder at Yuma," Phoenix Arizona Republican, 18 August 1903, 1; Ubillos v. Territory, 9 Ariz. 171, 80 P. 363 (1905).

(89) 15 September 1905

Zack Booth (Anglo) was legally executed by hanging at Globe for the late December 1903 murder of Juan Vigil and Wiley Berry near Gisela.

SOURCE: "The Last of Zack Booth," Phoenix Arizona Republican, 16 September 1905, 1; "The Tonto Basin Murder," Phoenix Arizona Republican, 30 December 1903, 1; Booth v. Territory, 9 Ariz. 204, 80 P. 354 (1905).

(90) 12 July 1907

William Baldwin (Black) was legally executed by hanging at Solomonville for the 31 January 1907 murder of Mrs. Harvey Morris and her daughter Aminta near Roosevelt.

- (91) 17 July 1908
SOURCE: "Hanging of Baldwin: Slayer of Mrs. Morris," Phoenix Arizona Republican, 13 July 1907, 1.
Horace J. Groce (Black) was legally executed by hanging at Tucson for the 30 November 1906 murder of his wife Ida Groce at Tucson.
- (92) 14 August 1908
SOURCE: "Groce Paid Penalty for Wife Murder," Tucson Citizen, 17 July 1908, 8.
Edwin W. Hawkins (Anglo) was legally executed by hanging at Tucson for the 21 December 1907 murder of Albert C. Leonhart at Tucson.
- (93) 5 January 1910
SOURCE: "Hawkins Paid Law's Penalty," Tucson Citizen, 14 August 1908, 1,6.
Jose Lopez (Hispanic) was legally executed by hanging at Florence for the August 1909 murder of his former mistress near Florence.
- (94) 2 December 1910
(95)
SOURCE: "All is Over With Lopez," Phoenix Arizona Republican, 6 January 1910, 1.
Rafael Barela and Cesario Sanchez (both Hispanic) were legally executed by hanging at Florence for the 27 September 1910 murder of Gregorio Conejo near Flagstaff.
- (96) 7 July 1911
SOURCE: "Atonement for Crime," Phoenix Arizona Republican, 3 December 1910, 1.
Domingo Franco (Hispanic) was legally executed by hanging at Florence for the 19 March 1911 murder of Francisco Amado near Harshaw.

(97) 28 July 1911

SOURCE: "Paid Penalty for Murder,"
Phoenix Arizona Republican, 8 July
1911, 1.

Alejandro Gallegos (Hispanic) was legally executed by hanging at Florence for the 9 May 1911 murder of Louis D. Yaeger near Yavapai.

SOURCE: "The Hanging of Gallegos,"
Phoenix Arizona Republican, 29 July
1911, 1.

(98) 13 May 1913

John Goodwin (Anglo) was legally executed by hanging by the federal government at Globe for the September 1910 murder of Alfred Hillpot and Fred Kibbe near Globe.

SOURCE: "Law Vindicated in
Execution of Goodwin," Phoenix
Arizona Republican, 13 May 1913, 1;
"Goodwin Goes to Death With Curses
on Lips," Phoenix Arizona
Republican, 14 May 1913, 1,8;
Goodwin v. U.S., 200 F. 121 (9th
Cir. 1912).

(99) 29 May 1914

William Stewart (Anglo) was legally executed by hanging by the federal government at Globe for the September 1910 murder of Fred Kibbe near Globe.

SOURCE: "Stewart Finally Pays the
Penalty - Hanged at Globe - The
Death Story," Phoenix Arizona
Gazette, 29 May 1911, 1; "Stewart
Pays Penalty for Murder Today,"
Phoenix Arizona Republican, 29 May
1914, 1; "Stewart to be Executed on
Friday," Tucson Citizen, 28 May
1914, 3; "Stewart Pays Full Penalty
For His Crime," Tucson Arizona
Daily Star, 30 May 1914, 1,3;
Stewart vs. U.S., 211 F. 41 (9th
Cir. 1914).

- (100) 10 December 1915 Ramon Villalobos (Hispanic) was legally executed by hanging at Florence for the 19 August 1914 murder of Constable Phineas Brown near Ray.

SOURCE: "Villalobos is Hanged: Claims His Innocence," Phoenix Arizona Republican, 11 December 1915, 1, 5; Villalobo [sic.] vs. State, 17 Ariz. 261, 151 P. 946 (1915).
- (101) 19 May 1916 Francisco H. Rodriguez (Hispanic) was legally executed by hanging at Florence for the 12 April 1911 murder of his wife near Florence.

SOURCE: "Wife's Photo in Rodriguez' Death Clothes," Phoenix Arizona Republican, 20 May 1916, 1, 2; "Rodriguez Shall Die," Phoenix Arizona Republican, 11 May 1911, 1; Rodriguez v. Territory, 14 Ariz. 166, 125 P. 878 (1912); Rodriguez v. Sims, 18 Ariz. 74, 156 P. 94 (1916).
- (102) 9 June 1916 N. B. Chavez (Hispanic) was legally executed by hanging at Florence for the 27 August 1910 murder of Deputy Sheriff Charles King at Prescott.

SOURCE: "Chavez Died Game to the End," Phoenix Arizona Republican, 10 June 1916, 5; "Arizona Murderer Hanged at Florence," Tucson Citizen, 9 June 1916, 1; Chavez v. Territory, 14 Ariz. 107, 125 P. 483 (1912); Chavez v. Sims, 18 Ariz. 80, 156 P. 97 (1916).
- (103) 7 July 1916 Miguel Peralta (Hispanic) was legally executed by hanging at Florence for the murder of his wife and her lover at Jerome.

(104) 7 May 1917

SOURCE: "M. Peralta is Hanged," Phoenix Arizona Republican, 8 July 1916, 6; Peralta v. Sims, 18 Ariz. 79, 156 P. 96 (1916).

Starr Daley (Anglo) was illegally executed by hanging by a mob at Phoenix, for the 3 May 1917 murder of James Gibson and the sexual assault of Gibson's wife near the Apache Trail.

(105) 13 January 1922

SOURCE: "Daley Hanged in Early Morn for Double Crime," Phoenix Arizona Republican, 7 May 1917, 1,2; "Terrible Crime Committed Near Apache Trail in Dead of Night," Phoenix Arizona Republican, 5 May 1917, 1,2.

(105) 16 April 1920

Simplicio Torres (Hispanic) was legally executed by hanging at Florence for the 1 May 1919 murder of Constable Victor L. Melik at Williams.

(110) 29 September 1922

SOURCE: "Torres Hanged for Murder of Officer Melick," Phoenix Arizona Republican, 17 April 1920, 1,2; "Penalty is Paid by Torres for Killing of Officer," Phoenix Arizona Gazette, 16 April 1920, 1,5; Torrez [sic] v. State, 21 Ariz. 65, 185 P. 360 (1919), on later appeal, 21 Ariz. 401, 188 P. 877 (1920).

(106) 14 January 1921

Pedro Dominguez (Hispanic) was legally executed by hanging at Florence for the 11 June 1920 murder of Antonio Mencheca at Metcalf.

SOURCE: "Mexican is Hanged for Murder," Phoenix Arizona Gazette, 14 January 1921, 1; "Mexican

- (107) 9 September 1921 Murderer Expiates His Crime on Prisoner Scaffold," Phoenix Arizona Republican, 15 January 1921, 2-1.
- Nichan Martin (Anglo) was legally executed by hanging at Florence for the 3 October 1919 murder of Arthur DeSteunder near Yampai.
- SOURCE: "Nichan Martin Goes to Death With Firm Step," 10 September 1921, 1,2; Martin v. State, 22 Ariz. 275, 196 P. 673 (1921).
- (108) 13 January 1922 Tomas Roman (Hispanic) was legally executed by hanging at Florence for the 11 January 1921 murder of August Hintz at Tempe.
- (109) Ricardo Lauterio (Hispanic) was legally executed by hanging at Florence for the 8 November 1921 murder of Adelina Sosa de Barillos near Phoenix.
- SOURCE: "Lauterio and Roman Give Up Lives Calmly," Phoenix Arizona Republican, 14 January 1922, 5; Roman v. State, 23 Ariz. 67, 201 P. 551 (1921); Lauterio v. State, 23 Ariz. 15, 201 P. 91 (1921).
- (110) 29 September 1922 Theodore West (Anglo) was legally executed by hanging at Florence for the 23 July 1921 murder of Lemuel Smith near Topoc.
- SOURCE: "Hang First White Man at Florence Prison on Friday," Phoenix Arizona Republican, 28 September 1922, 2; "West is Violent as Execution Time is at Hand," Phoenix Arizona Gazette, 29 September 1922, 1; West v. State, 24 Ariz. 237, 208 P. 412 (1922).

- (111) 13 April 1923
- Paul V. Hadley (Anglo) was legally executed by hanging at Florence for the 15 November 1921 murder of Anna C. Johnson near Sentinel.
- SOURCE: "Paul Hadley Makes Good Promise to Die as Man," Phoenix Arizona Republican, 14 April 1923, 1; Hadley v. State, 25 Ariz. 23, 212 P. 458 (1923).
- (112) 10 August 1923
- Manuel Martinez (Hispanic) was legally executed by hanging at Florence for the 26 August 1921 murder of Postmaster Frank Pearson and his wife at Ruby.
- SOURCE: "Ruby Slayer Protests His Innocence as Trap Springs," Phoenix Arizona Republican, 11 August 1923, 1,8.
- (113) 20 June 1924
- William B. Ward (Black) was legally executed by hanging at Florence for the 27 December 1923 murder of Ted Grosh at Globe.
- SOURCE: "State Claims Its Debt for Boy's Death," Phoenix Arizona Republican, 21 June 1924, 1,6; "Law Has Avenged Murder of Ted Grosh," Phoenix Arizona Gazette, 20 June 1924, 1,2.
- (114) 9 January 1925
- Sam Flowers (Black) was legally executed by hanging at Florence for the 20 February 1923 murder of his wife Sabina at Tucson.
- SOURCE: "Flowers Pays Death Penalty at Florence for Wife Murder," Phoenix Arizona Republican, 10 January 1925, 3; "Sam Flowers Meets Death on Gallows in Religious Ecstasy," Phoenix Arizona Gazette, 9 January 1925, 20; "Flower [sic] Cool Before Death, Writes Sister," Tucson

- (115) 10 October 1925
Arizona Daily Star, 10 January 1925, 1; Flowers vs. State, 27 Ariz. 70, 229 P. 1028 (1924).
George Dixon Sujynamie (Hualapai Indian) was legally executed by hanging by the federal government at Fort Whipple for the 19 April 1925 murder of Albert M. Cavell near Prescott.
SOURCE: "Indian Executed at Prescott," Phoenix Arizona Gazette, 10 October 1925, 1,3; "Young Indian Pays Penalty for Slaying," Tucson Citizen, 10 October 1925, 2; "Walapai Pays Penalty of Death Near Scene of Cavell Slaying," Phoenix Arizona Republican, 11 October 1925, 1,2; "Wallapai Mystic Goes Laughing to Scaffold -Blames Mohave Indians," Tucson Arizona Daily Star, 11 October 1925, 1,8.
- (116) 8 January 1926
William Lawrence (Anglo) was legally executed by hanging at Florence for the 5 February 1925 murder of policeman Haze Burch at Phoenix.
SOURCE: "Bill Lawrence Goes to Death Pleading Forgiveness for All," Phoenix Arizona Republican, 9 January 1926, 1,2; "Lawrence Dies Bravely," Phoenix Arizona Gazette, 8 January 1926, 1,2; Lawrence v. State, 29 Ariz. 247, 240 P. 863 (1925).
- (117) 20 May 1927
Charles J. Blackburn (Anglo) was legally executed by hanging at Florence for the 4 November 1925 murder of Miguel Bernal near Globe.

- (118) 22 June 1928
- (119)
- (120)
- (121)
- SOURCE: "Blackburn is Executed at Florence for Death of Bernal," Phoenix Arizona Republican, 21 May 1927, 2; Blackburn v. State, 31 Ariz. 427, 254 P. 467 (1927).
- B.W.L. Sam, Shew Chin, Jew Har and Gee King Long (all Chinese) were legally executed by hanging at Florence for the 20 October 1926 murder of Tom King at Kingman.
- SOURCE: "Tong Killer is Carried to Gallows," Phoenix Arizona Republican, 23 June 1928, 1,2; "Four Chinese Hanged Today at Florence," Tucson Citizen, 22 June 1928, 2; Sam v. State, 33 Ariz. 383, 265 P. 609 (1928).
- (122) 21 February 1930
- Eva Dugan (Anglo) was legally executed by hanging at Florence for the 14 January 1927 murder of A. J. Mathis at Tucson.
- SOURCE: "Brief Funeral Rites for Eva Dugan Attended Only by Prison Heads," Phoenix Arizona Republican, 22 February 1930, 1,3; "Eva Dugan, Dies on Gallows," Phoenix Gazette, 21 February 1930, 1,14; "Eva Dugan Dies in Prison," Tucson Arizona Daily Star, 21 February 1930, 1,7; "Eva Dugan, Reaffirming Her Innocence, Jests at Hanging; 'God Bless'm All,' Last Words," Tucson Daily Citizen, 21 February 1930, 1,3; Dugan v. State, 36 Ariz. 36, 282 P. 481 (1929).
- (123) 7 March 1930
- Rufugio Macias (Hispanic) was legally executed by hanging at Florence for the 18 January 1929 murder of Pedro Ornelas at Morenci.
- SOURCE: "Macias Hanged for Slaying Two Mexicans," Phoenix Arizona Republican, 8 March 1930, 8;

- (124) 21 August 1931
"Macias Brave on Death Walk," Tucson Arizona Daily Star, 8 March 1930, 2; "Mexican Youth Hanged at Pen," Tucson Daily Citizen, 7 March 1930, 1; Macias v. State 36 Ariz. 140, 283 P. 711 (1929).
- Herbert Young (Anglo) was legally executed by hanging at Florence for the 17 March 1930 murder of John Dye at Tucson.
- SOURCE: "Murderer is Hanged at Prison," Phoenix Arizona Republic, 22 August 1931, 1,4; "Young Goes to Death Smiling," Phoenix Gazette 21 August 1931, 1,6; Young v. State, 38 Ariz. 298, 299 P. 682 (1931).
- (125) 6 July 1934
(126)
Fred and Manuel Hernandez (Hispanic brothers) were legally executed by poison gas at Florence for the 21 January 1933 murder of Charles P. Washburn near Casa Grande.
- SOURCE: "Hernandez Brothers Die in Prison at Dawn," Phoenix Arizona Republic, 6 July 1934, 1,6; "Hernandez Boys Pay Penalty," Phoenix Gazette, 6 July 1934, 1,3; Hernandez v. State, 43 Ariz. 424, 32 P.2d 18 (1934); Hernandez v. State, 43 Ariz. 442, 32 P.2d 25 (1934).
- (127) 13 July 1934
George J. Shaughnessy, Jr. (Anglo) was legally executed by poison gas at Florence for the 7 July 1933 murder of Al Blankenship at Tucson.
- SOURCE: "Gas Death Awaited by Youth," Phoenix Arizona Republic, 13 July 1934, 1,8; "Gas Fumes Take Life of Slayer," Phoenix Arizona Republic, 14 July 1934, 1-1, 2-6; "Shaughnessy Pays Penalty," Phoenix

- (128) 31 August 1934
- Gazette, 13 July 1934, 1,3;
Shaughnessy v. State, 43 Ariz. 445,
32 P.2d 337 (1934).
- Louis Douglass (Anglo) was legally executed by poison gas at Florence for the February 1933 murder of Ralph Hart in northern Yuma County.
- SOURCE: "Louis Douglass Pays Penalty in Gas Chamber," Phoenix Arizona Republic, 31 August 1934, 1,2; "Douglass Smiles Farewell as Gas Fumes End Life," Phoenix Gazette, 31 August 1934, 1,2; Douglass v. State, 44 Ariz. 84, 33 P.2d 985 (1934).
- (129) 15 May 1936
- Jack Sullivan (Anglo) was legally executed by poison gas at Florence for the 13 March 1935 murder of John Bradbury near Bowie.
- SOURCE: "Sullivan Prepares for Death," Phoenix Arizona Republic, 15 May 1936, 1,14; "Officer's Slayer Dies By Gas in Arizona's Lethal Chamber," Phoenix Arizona Republic, 16 May 1936, 1,6; "Sullivan is Executed in Gas Cell; Goes to His Death With Bravado," Phoenix Gazette, 15 May 1936, 1,6; Sullivan v. State, 47 Ariz. 224, 55 P.2d 312 (1936).
- (130) 10 July 1936
- Frank Rascon (Hispanic) was legally executed by poison gas at Florence for the 11 June 1935 murder of Joe Romero near Beardsley.
- SOURCE: "Frank Rascon Dies At Dawn in Gas Cell," Phoenix Arizona Republic, 10 July 1936, 1,4; "Doomed 3 Dine at 'Last Supper'," Phoenix Gazette, 9 July 1936, 1,6; "Rascon Holds Breath Vainly Against

- (131) 13 July 1936
- Execution," Phoenix Gazette 10 July 1936, 1,7; Rascon v. State, 47 Ariz. 501, 57 P.2d 304 (1936).
- Earl Gardner (Apache Indian) was legally executed by hanging by the federal government at San Carlos for the 8 December 1935 murder of his wife and child.
- SOURCE: "Indian Strangles Slowly on Gallows When Noose Slips," Phoenix Gazette, 13 July 1936, 1,10; "Gardner Hangs at Daybreak," Phoenix Arizona Republic, 13 July 1936, 1,3; "Marshal Ready for Apache Uprising," Tucson Arizona Daily Star, 13 July 1936, 1,2; "Gardner Dies 'Like Apache' In Early Dawn," Tucson Arizona Daily Star, 14 July 1936, 1,5; "Earl Gardner, Boastful Apache, Dies Horrible Death, Hanging 33 Minutes Before Succumbing," Tucson Daily Citizen, 13 July 1936, 1,7; Gardner v. U.S., 83 F.2d 1010 (9th Cir. 1936).
- (132) 2 October 1936
- Roland H. Cochrane (Anglo) was legally executed by poison gas at Florence for the 2 January 1936 murder of Richard Giles at Phoenix.
- SOURCE: "Cochrane is Calm at Execution," Phoenix Arizona Republic, 3 October 1936, 1,13; "Executed Slayer is Buried at Daybreak," Phoenix Gazette, 2 October 1936, 1,7; Cochrane v. State, 48 Ariz. 124, 59 P.2d 658 (1936).
- (133) 8 January 1937
- Frank Duarte (Hispanic) was legally executed by poison gas at Florence for the 9 July 1935 murder of G.W. Johnston at Casa Grande.

- SOURCE: "Killer Dies in Gas Cell at 5 A.M.," Phoenix Arizona Republic, 8 January 1937, 1,5; "Frank Duarte Goes Calmly to His Death," Tucson Daily Citizen, 8 January 1937, 1,9; Duarte v. State, 38 Ariz. 356, 61 P.2d 1015 (1936).
- (134) 13 August 1937
(135)
- Bert Anderson (Anglo) was legally executed by poison gas at Florence for the 23 December 1936 murder of Cecil Kuykendal at Prescott. Ernest Patten (Black) was legally executed by poison gas at Florence for the 25 December 1936 murder of his "common-law" wife Creacy Mae Millard at McNary.
- SOURCE: "Gas Snuffs Out Slayers' Lives," Phoenix Gazette, 13 August 1937, 1,6; "Two Men Executed in Prison," Phoenix Arizona Republic, 14 August 1937, 1,2; Anderson v. State, 50 Ariz. 36, 68 P.2d 673 (1937).
- (136) 3 September 1937
- David B. Knight (Anglo) was legally executed by poison gas at Florence for the late December 1935 murder of John C. Kalb near Coldwater.
- SOURCE: "Gas Cell to Claim Murderer," Phoenix Arizona Republic, 3 September 1937, 1,4; "Knight Goes to His End Smiling," Phoenix Gazette, 3 September 1937, 1,6; "Sack Slayer Forfeits Life in Gas Chamber," Tucson Daily Citizen, 3 September 1937, 1,9; Knight v. State, 50 Ariz. 108, 69 P.2d 569 (1937).
- (137) 14 January 1938
- Elvin J. Odom (Anglo) was legally executed by poison gas at Florence for the 13 October 1937 murder of Charles E. Goade near Perryville.

(138) 28 April 1939

SOURCE: "Cotton Picker Dies Today for Murder," Phoenix Arizona Republic, 14 January 1938, 1,3; "Lethal Gas Cell Takes Murderer," Phoenix Arizona Republic, 15 January 1938, 1,3.

Archie L. Short (Anglo) was legally executed by poison gas at Florence for the 8 June 1938 murder of Jack Hickox at Ray.

(139) 22 September 1939

SOURCE: "Officer's Slayer is Executed," Phoenix Arizona Republic, 29 April 1939, 1; "Desperado Dies Repenting Murder," Phoenix Gazette, 28 April 1939, 2-1; Short v. State, 53 Ariz. 185, 87 P.2d 266 (1939).

Frank Conner (Black) was legally executed by poison gas at Florence for the 16 October 1938 murder of Tracy Bird at Nogales.

(140) 9 August 1940

SOURCE: "Frank Conner, Slayer, Pays Penalty," Phoenix Arizona Republic, 23 September 1939, 1; "Conner Dies in Arizona's Gas Chamber," Tucson Daily Citizen, 22 September 1939, 1,14; Conner v. State, 54 Ariz. 68, 92 P.2d 524 (1939).

Robert M. Burgunder (Anglo) was legally executed by poison gas at Florence for the 29 April 1939 murder of E.B. (Jack) Peterson and Ellis M. Koury near Phoenix.

SOURCE: "Two Cowardly Killings Bring Burgunder End," Phoenix Arizona Republic, 9 August 1940, 4; "Burgunder is Calm at Execution," Phoenix Arizona Republic, 10 August 1940, 1,14.

(141) 8 January 1943
(142)
(143)

James C. Levice, Charles Sanders and Grady B. Cole (all Black) were legally executed by poison gas at Florence for the 8 January 1942 murder of Coy Carroll Quailes at Fry.

SOURCE: "Repentant Slayers Executed," Phoenix Arizona Republic, 9 January 1943, 1, 8; State v. Levice, 59 Ariz. 472, 130 P.2d 53 (1942).

(144) 19 February 1943

James C. Rawlins (Anglo) was legally executed by poison gas at Florence for the 29 August 1942 murder of Marilyn Erma Atkins at Morenci.

SOURCE: "Child Killer Wants Last Hours Alone," Phoenix Arizona Republic, 19 February 1943, 8; "Child Ravisher Put to Death," Phoenix, Gazette, 19 February 1943, 2-1.

(145) 27 April 1943

Alisandro Macias (Hispanic) was legally executed by poison gas at Florence for the 5 June 1941 murder of Abdo Hage at Ajo.

SOURCE: "Father Takes Home Body of Murderer," Phoenix Arizona Republic, 28 April 1943, 3; State v. Macias, 60 Ariz. 93, 131 P.2d 810 (1942).

(146) 5 January 1945

John E. Ransom (Black) was legally executed by poison gas at Florence for the 4 September 1943 murder of Charles H. Payne at Phoenix.

SOURCE: "Colored Slayer Gives Life for Murder of Phoenix Man," Phoenix Arizona Republic, 6 January 1945, 1; State v. Ransom, 62 Ariz. 1, 152 P.2d 621 (1944).

(147) 6 April 1945

Lee A. Smith (Anglo) was legally executed by poison gas at Florence for the early August 1943 murder of Ed Miller near Douglas.

SOURCE: "Gas Chamber Claims Life of Murderer" Phoenix Arizona Republic, 7 April 1945, 1; "Goes to Death Cheerfully, Maintains Innocence to End," Phoenix Gazette, 6 April 1945, 7; State v. Smith, 62 Ariz. 145, 155 P.2d 622 (1945).

(148) 13 April 1945

U.L. Holley (Black) was legally executed by poison gas at Florence for the 25 December 1944 murder of Morgan Nielson and Ed Williams at Globe.

SOURCE: "Second Murderer in Week To Die in Florence Gas Room," Phoenix Gazette, 12 April 1934, 3; "Killer Dies Unprotesting," Phoenix Gazette, 13 April 1945, 9.

(149) 29 July 1950

Angel B. Serna (Hispanic) was legally executed by poison gas at Florence for the 29 December 1947 murder of Katherine Gohn near Apache Junction.

SOURCE: "Serna Pays for Crime at Florence Execution," Phoenix Arizona Republic, 30 July 1950, 1,2; State v. Serna, 69 Ariz. 181, 211 P.2d 455 (1949).

(150) 18 July 1951

Harold T. Lantz (Anglo) was legally executed by poison gas at Florence for the 10 August 1950 murder of Ada C. Park between Douglas and Tucson.

SOURCE: "Lantz Resigned on Eve of Gas Chamber Death," Phoenix Arizona Republic, 18 July 1951, 1,2; "Lantz Executed In Prison With 'I'm Ready'

on Lips," Phoenix Arizona Republic,
19 July 1951, 19; State v. Lantz,
72 Ariz. 115, 231 P.2d 454 (1951).

(151) 4 March 1955

Carl J. Folk (Anglo) was legally
executed by poison gas at Florence
for the 2 December 1953 murder of
Betty Faye near Goodwater.

SOURCE: "Folk Dies in Gas Chamber;
Claims Innocence to End," Phoenix
Gazette, 4 March 1955, 1,2; State
v. Folk, 78 Ariz. 205, 277 P.2d
1016 (1954).

(152) 31 August 1955

Lester E. Bartholomew (Anglo) was
legally executed by poison gas at
Florence for the 23 May 1955 murder
of Marie, Richard and Pamela
Bartholomew at Phoenix

SOURCE: "Woman Reporter Views
Execution of Bartholomew," Phoenix
Gazette, 31 August 1955, 1,9;
"Triple-Slayer Lester Bartholomew
Dies in Gas Chamber This Morning,"
Phoenix Arizona Republic, 31 August
1955, 1.

(153) 22 May 1957

Leonard J. Coey (Anglo) was legally
executed by poison gas at Florence
for the 27 January 1955 murder of
his wife Elnora at Phoenix.

SOURCE: "'I Still Love Her,' Says
Wife Slayer," Phoenix Arizona
Republic, 23 May 1957, 2; State v.
Coey, 83 Ariz. 133, 309 P.2d 260
(1957).

(154) 17 November 1958

Arthur Thomas (Black) was legally
executed by poison gas at Florence
for the 17 March 1953 murder of
Janie Miskovich near Willcox.

- (155) 22 November 1958
- SOURCE: "State Executes Arthur Thomas," Phoenix Gazette, 17 November 1958, 1,22; State v. Thomas, 78 Ariz. 52, 275 P.2d 408 (1954).
- Richard L. Jordan (Anglo) was legally executed by poison gas at Florence for the 23 May 1954 murder of Phyllis Thompson at Tucson.
- SOURCE: "Murderer of Girl Dies in Gas Room," Phoenix Gazette, 22 November 1958, 1; "Girl's Killer Dies Today," Phoenix Arizona Republic, 22 November 1958, 1; State v. Jordan, 83 Ariz. 248, 320 P.2d 446 (1958).
- (156) 7 March 1959
- Lonnie Craft (Black) was legally executed by poison gas at Florence for the 6 March 1957 murder of Virginia Cook at Phoenix.
- SOURCE: "Craft Executed for Killing Ex-Wife," Phoenix Gazette, 7 March 1959, 1; State v. Craft, 85 Ariz. 143, 333 P.2d 728 (1958).
- (157) 11 March 1960
- Robert D. Fenton (Anglo) was legally executed by poison gas at Florence for the 23 February 1958 murder of Opal K. Coward at Tucson.
- SOURCE: "Fenton Calm Before Execution," Phoenix Gazette, 11 March 1960, 1,8; State v. Fenton 86 Ariz. 111, 341 P.2d 237 (1959).
- (158) 31 October 1961
- Honor Robinson (Black) was legally executed by poison gas at Florence for the 21 December 1958 murder of William Bischoff at Phoenix.
- SOURCE: "Robinson Executed," Tucson Daily Citizen 31 October 1961, 5; State v. Robinson, 89 Ariz. 224, 360 P.2d 474 (1961).

(159) 8 March 1963

Patrick M. McGee (Anglo) was legally executed by poison gas at Florence for the July 1959 murder of Ary J. Best near Flagstaff.

SOURCE: "McGee Executed for 1959 Killing," Phoenix Gazette 8 March 1963, 1; State v. McGee, 91 Ariz. 101, 370 P.2d 261 (1962).

(160) 14 March 1963

Manuel E. Silvas (Hispanic) was legally executed by poison gas at Florence for the 12 February 1959 murder of Beatriz Mankel near Casa Grande.

SOURCE: "Silvas Dies in State Gas Chamber," Phoenix Gazette, 14 March 1963, 10; State v. Silvas, 91 Ariz. 386, 372 P.2d 718 (1962).

Arizona Executions

(1963-1963)

NAME	DOE	CRIME	MOE	TTE	RACE	LEGALITY
(1) J. Hewing	4/2/1866	M	H	O	A	IL
(2) Unknown	9/16/1871	AM	G	O	HI	IL
(3) R. Cordovo	5/24/1872	M	H	O	HI	IL
(4) Unknown	8/8/1872	M	G	O	HI	IL
(5) M. Fernandez	5/2/1873	M	H	*	HI	L
(6) D. Garcia	6/24/1873	M	B	O	HI	IL
(7) M. Tinsado	7/3/1873	M	H	*	HI	IL
(8) L. Cordova	8/8/1873	M	H	O	HI	IL
(9) C. Lopez	8/8/1873	M	H	O	HI	IL
(10) J. Saguaripa	8/8/1873	M	H	O	HI	IL
(11) J. Willis	8/8/1873	M	H	9	A	IL
(12) Unknown	9/27/1873	M	H	*	HI	IL
(13) V. Nunez	12/11/1874	M	H	5	HI	IL
(14) M. Abiles	8/6/1875	M	H	17	HI	L
(15) G. Young	1/3/1876	M	H	O	A	IL
(16) M. DeHay	1/14/1876	M	H	5	A	L
(17) O. McCoy	8/4/1877	M	H	O	A	IL
(18) W. Snider	11/16/1877	M	G	*	A	IL
(19) E. Overstreet	11/16/1877	M	G	*	A	IL
(20) P. Blanton	11/16/1877	M	G	*	A	IL
(21) J. Spencer	11/16/1877	M	G	*	A	IL
(22) C. Rice	12/18/1877	M	H	O	A	IL
(23) J. Malone	3/15/1878	M	H	26	A	L
(24) J. Setwright	6/13/1878	M	H	O	A	IL
(25) Unknown	6/22/1878	M	H	O	I	IL
(26) Unknown	6/22/1878	M	H	O	I	IL
(27) Unknown	12/13/1878	AM	H	*	HI	IL
(28) McCloskey	8/22/1879	M	H	O	A	IL
(29) J. Keller	8/22/1879	M	H	O	A	IL
(30) D. Dominguez	11/26/1880	M	H	12	HI	L
(31) T. Harper	7/8/1881	M	H	10	A	L
(32) J. Waters	9/1881	M	H	*	A	IL
(33) W. Campbell	9/1881	M	H	*	A	IL
(34) W. Lewis	12/26/1881	M	H	O	A	IL
(35) J. Williams	1/16/1882	T	H	O	A	IL
(36) J. Berry	2/3/1882	M	H	O	A	IL
(37) W. Hall	2/10/1882	M	H	5	A	L
(38) "Dandy Jim"	3/3/1882	M	H	*	I	L
(39) "Deadshot"	3/3/1882	M	H	*	I	L
(40) "Skippy"	3/3/1882	M	H	*	I	L
(41) "Brown"	7/6/1882	M	H	O	A	IL
(42) "Benjamine"	7/6/1882	M	H	O	A	IL
(43) C. Hawley	8/24/1882	M	H	*	A	IL
(44) L. Grimes	8/24/1882	M	H	*	A	IL
(45) T. Kerr	12/25/1882	M	H	*	A	IL
(46) L. Redfield	9/3/1883	M	H	1	A	IL
(47) J. Tuttle	9/3/1883	M	H	1	A	IL

NAME	DOE	CRIME	MOE	TTE	RACE	LEGALITY
(48) C. Williams	11/9/1883	R	H	*	A	IL
(49) J. Johnson	12/1/1883	M	H	*	A	IL
(50) Unknown	12/27/1883	M	H	*	C	L
(51) Unknown	12/27/1883	M	H	*	C	L
(52) Unknown	12/27/1883	M	H	*	C	L
(53) J. Heith	2/22/1884	M	H	2	A	IL
(54) O. Sample	3/28/1884	M	H	3	A	L
(55) W. Delaney	3/28/1884	M	H	3	A	L
(56) D. Dowd	3/28/1884	M	H	3	A	L
(57) J. Kelly	3/28/1884	M	H	3	A	L
(58) T. Howard	3/28/1884	M	H	3	A	L
(59) J. Casey	4/14/1884	M	H	12	A	L
(60) "Fales"	8/30/1884	M	H	*	A	IL
(61) "Jesus"	9/12/1884	M	H	0	A	IL
(62) D. Dilda	2/10/1886	M	H	2	A	L
(63) G. Hawkes	1/19/1887	M	G	0	A	IL
(64) W. Hawkes	1/19/1887	M	G	0	A	IL
(65) F. Wilson	8/12/1887	M	H	15	A	L
(66) M. Duran	3/2/1888	M	H	G	HI	L
(67) B. Wilson	8/11/1888	R	H	*	A	IL
(68) J. Stott	8/11/1888	R	H	*	A	IL
(69) J. Scott	8/11/1888	R	H	*	A	IL
(70) "Firimino"	5/17/1889	M	H	11	I	L
(71) Na-Con-Qui-Say	12/6/1889	M	H	*	I	L
(72) Kah-Dos-La	12/6/1889	M	H	*	I	L
(73) Nah-Deiz-Az	12/27/1889	M	H	*	I	L
(74) El-Chees-Choos	7/11/1890	M	H	4	I	L
(75) Unknown	8/13/1890	M	H	1	I	IL
(76) A. Ganado	6/19/1891	M	H	*	HI	L
(77) F. Nelson	6/29/1891	M	H	11	B	L
(78) P. Lashley	7/9/1897	M	H	15	B	L
(79) J. Parker	6/8/1898	M	H	12	A	L
(80) G. Smiley	1/8/1900	M	H	10	A	L
(81) R. Peineida	6/1/1900	M	H	11	HI	L
(82) T. Haldermann	11/16/1900	M	H	*	A	L
(83) W. Haldermann	11/16/1900	M	H	*	A	L
(84) S. Ortiz	11/16/1900	M	H	3	HI	L
(85) A. Chacon	11/21/1900	M	H	*	HI	L
(86) F. Rentaria	7/31/1903	M	H	5	HI	L
(87) E. Hidalgo	7/31/1903	M	H	5	HI	L
(88) M. Ubillos	6/16/1905	M	H	22	HI	L
(89) Z. Booth	9/15/1905	M	H	21	A	L
(90) W. Baldwin	7/12/1907	M	H	6	B	L
(91) H. Groce	7/17/1908	M	H	20	B	L
(92) E. Hawkins	8/14/1908	M	H	8	A	L
(93) J. Lopez	1/5/1910	M	H	5	HI	L
(94) R. Barela	12/2/1910	M	H	3	HI	L
(95) C. Sanchez	12/2/1910	M	H	3	HI	L

NAME	DOE	CRIME	MOE	TTE	RACE	LEGALITY	
(96)	D. Franco	7/7/1911	M	H	4	HI	L
(97)	A. Gallegos	7/28/1911	M	H	2	HI	L
(98)	J. Goodwin	5/13/1913	M	H	32	A	L
(99)	W. Stewart	5/29/1914	M	H	44	A	L
(100)	R. Villalobos	12/10/1915	M	H	16	HI	L
(101)	F. Rodriguez	5/19/1916	M	H	60	HI	L
(102)	N. Chavez	6/9/1916	M	H	70	HI	L
(103)	M. Peralta	7/7/1916	M	H	*	HI	L
(104)	S. Daley	5/7/1917	M	H	0	A	IL
(105)	S. Torres	4/16/1920	M	H	11	HI	L
(106)	P. Dominguez	1/14/1921	M	H	7	HI	L
(107)	N. Martin	9/9/1921	M	H	23	A	L
(108)	T. Roman	1/13/1922	M	H	12	HI	L
(109)	R. Lauterio	1/13/1922	M	H	2	HI	L
(110)	T. West	9/29/1922	M	H	14	A	L
(111)	P. Hadley	4/13/1923	M	H	5	A	L
(112)	M. Martinez	8/10/1923	M	H	24	HI	L
(113)	W. Ward	6/20/1924	M	H	6	B	L
(114)	S. Flowers	1/9/1925	M	H	23	B	L
(115)	G. Sujynamie	10/10/1925	M	H	6	I	L
(116)	W. Lawrence	1/8/1926	M	H	11	A	L
(117)	C. Blackburn	5/20/1927	M	H	18	A	L
(118)	B. Sam	6/22/1928	M	H	20	C	L
(119)	S. Chin	6/22/1928	M	H	20	C	L
(120)	J. Har	6/22/1928	M	H	20	C	L
(121)	G. Long	6/22/1928	M	H	20	C	L
(122)	E. Dugan	2/21/1930	M	H	37	A	L
(123)	R. Macias	3/7/1930	M	H	14	HI	L
(124)	H. Young	8/21/1931	M	H	17	A	L
(125)	F. Hernandez	7/6/1934	M	P	18	HI	L
(126)	M. Hernandez	7/6/1934	M	P	18	HI	L
(127)	G. Shaughnessy	7/13/1934	M	P	12	A	L
(128)	L. Douglass	8/31/1934	M	P	18	A	L
(129)	J. Sullivan	5/15/1936	M	P	14	A	L
(130)	F. Rascon	7/10/1936	M	P	13	HI	L
(131)	E. Gardner	7/13/1936	M	H	7	I	L
(132)	R. Cochrane	10/2/1936	M	P	9	A	L
(133)	F. Duarte	1/8/1937	M	P	18	HI	L
(134)	B. Anderson	8/13/1937	M	P	8	A	L
(135)	E. Patten	8/13/1937	M	P	8	B	L
(136)	D. Knight	9/3/1937	M	P	21	A	L
(137)	E. Odom	1/14/1938	M	P	3	A	L
(138)	A. Short	4/28/1939	M	P	10	A	L
(139)	F. Conner	9/22/1939	M	P	11	B	L
(140)	R. Burgunder	8/9/1940	M	P	16	A	L
(141)	J. Levice	1/8/1943	M	P	12	B	L
(142)	C. Sanders	1/8/1943	M	P	12	B	L
(143)	G. Cole	1/8/1943	M	P	12	B	L

NAME	DOE	CRIME	MOE	TTE	RACE	LEGALITY	
(144)	J. Rawlins	2/19/1943	M	P	6	A	L
(145)	A. Macias	4/27/1943	M	P	20	HI	L
(146)	J. Ransom	1/5/1945	M	P	16	B	L
(147)	L. Smith	4/6/1945	M	P	20	A	L
(148)	U. Holley	4/13/1945	M	P	4	B	L
(149)	A. Serna	7/29/1950	M	P	31	HI	L
(150)	H. Lantz	7/18/1951	M	P	11	A	L
(151)	C. Folk	3/4/1955	M	P	15	A	L
(152)	L. Bartholomew	8/31/1955	M	P	3	A	L
(153)	L. Coey	5/22/1957	M	P	28	A	L
(154)	A. Thomas	11/17/1958	M	P	68	B	L
(155)	R. Jordan	11/22/1958	M	P	54	A	L
(156)	L. Craft	3/7/1959	M	P	24	B	L
(157)	R. Fenton	3/11/1960	M	P	25	A	L
(158)	H. Robinson	10/31/1961	M	P	34	B	L
(159)	P. McGee	3/8/1963	M	P	44	A	L
(160)	M. Silvas	3/14/1963	M	P	49	HI	L